

Also, resolutions of the thirty-fourth annual encampment of the Department of Pennsylvania, Grand Army of the Republic, in relation to the National Memorial Park at Gettysburg, Pa.—to the Committee on Military Affairs.

By Mr. ZIEGLER: Paper to accompany House bill granting an increase of pension to Mary E. Wolford, widow of John W. Wolford, late of Company D, One hundred and first Pennsylvania Infantry—to the Committee on Invalid Pensions.

SENATE.

FRIDAY, December 14, 1900.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Journal of yesterday's proceedings was read and approved.

OFFICE OF SURVEYOR-GENERAL FOR WYOMING.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of the Treasury, transmitting an additional estimate of appropriation for "Contingent expenses, office of surveyor-general for Wyoming," for the fiscal year 1902, \$315, as submitted by the Secretary of the Interior; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

MONTHLY ACCOUNTS OF WAR DEPARTMENT.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a letter from the Quartermaster-General of the Army, explaining the importance of the provisions of the law extending the time for examination of monthly accounts by the bureaus and offices of the War Department after the date of actual receipt and before transmitting the same to the Auditor for the War Department, etc.; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

ELECTORAL VOTES OF ILLINOIS AND WASHINGTON.

The PRESIDENT pro tempore laid before the Senate two communications from the Secretary of State, transmitting certified copies of the final ascertainment of the electors for President and Vice-President appointed in the States of Illinois and Washington at the election held therein on the 6th day of November, 1900; which, with the accompanying papers, were ordered to lie on the table.

PETITIONS AND MEMORIALS.

Mr. PLATT of New York presented a petition of the Chamber of Commerce of New York, praying for the enactment of legislation to permit the Secretary of the Treasury to exchange gold coin for any money issued by the Government; which was referred to the Committee on Finance.

He also presented a petition of the Manufacturers' Association of New York City, praying for the enactment of legislation providing for the deepening and widening of the Buttermilk Channel; which was referred to the Committee on Commerce.

He also presented a petition of the Manufacturers' Association of New York City, praying for the establishment of a department of commerce and manufacture; which was referred to the Committee on Commerce.

He also presented a petition of the Manufacturers' Association of New York City, praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

He also presented a petition of representatives of the wholesale and retail grocery interests of New York, praying for the repeal of the revenue tax on tea; which was referred to the Committee on Finance.

He also presented the petition of Rev. W. J. Gregory, of Nichols, N. Y., praying for the enactment of legislation to suppress vice in the Philippines; which was referred to the Committee on the Philippines.

He also presented a petition of the Methodist Episcopal Sunday School of Groton, N. Y., and a petition of the pastors of sundry churches of Lima, N. Y., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in any post exchange, canteen, or in any of the island possessions of the United States; which were referred to the Committee on Military Affairs.

He also presented a petition of the congregation of the Presbyterian Church of Stephentown, N. Y., and a petition of the congregation of the Methodist Episcopal Church of Alabama, N. Y., praying for the enactment of legislation to prohibit the sale of intoxicating liquors to the native races of Africa; which were referred to the Committee on Pacific Islands and Porto Rico.

He also presented the petitions of W. O. Dutton, of Buffalo; of George Loughhead and sundry other citizens of Brooklyn; of Anna Patterson and James G. Joslin, of Brooklyn, and of James M. Mills, of Buffalo, all in the State of New York, praying for the

enactment of legislation increasing the tax on intoxicating liquors exported to Central Africa; which were referred to the Committee on Foreign Relations.

He also presented a petition of Edward Hunting Post, No. 353, Department of New York, Grand Army of the Republic, of Greenport, N. Y., and a petition of William O. Stevens Post, No. 393, Department of New York, Grand Army of the Republic, of Dunkirk, N. Y., praying for the enactment of legislation giving preference to veterans in the public service; which were referred to the Committee on Military Affairs.

He also presented petitions of Mary Stewart Schell and sundry other citizens of New York City; of William H. Foster and sundry other citizens of Carmel; of J. Connel and sundry other citizens of Buffalo; of the Woman's Christian Temperance Union of Sing Sing; of Dwight Holbrook and sundry other citizens of Sing Sing; of Erastus Hopkins and sundry other citizens of New York; of E. F. Knapp and sundry other citizens of Hempstead; of M. H. Despard, of Brooklyn, and of Thomas Little and sundry other citizens of Scarborough, all in the State of New York, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented petitions of Fayetteville Grange, No. 610, Patrons of Husbandry, of Fayetteville; of the New York State Grange, Patrons of Husbandry, of Skaneateles; of Parish Grange, No. 575, Patrons of Husbandry, of Parish; of 23 citizens of New York; of sundry citizens of New York; of H. D. Thompson, of Malone, and of W. L. Scott, of East Otto, all in the State of New York, praying for the enactment of the so-called Grout bill, regulating the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

Mr. HOAR presented the petition of Rev. Edwin L. Noble and sundry other citizens of Massachusetts, praying for the adoption of an amendment to the Constitution defining legal marriage; which was referred to the Committee on the Judiciary.

He also presented a petition of the congregations of the Methodist Episcopal churches of Plainfield and Wrentham, in the State of Massachusetts, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Army and all the island possessions of the United States; which was referred to the Committee on Foreign Relations.

Mr. GALLINGER. Mr. President, I present a resolution of the Manchester Evangelical Ministerial Association of New Hampshire, in the nature of a petition in favor of the provision in the Army bill as it comes from the House of Representatives in reference to the canteen question.

I also present a letter from Robert L. Manning, of Manchester, N. H., in the nature of a memorial in opposition to the provision in the Army bill as it came from the House in reference to that matter.

I move that the petition and memorial be referred to the Committee on Military Affairs.

The motion was agreed to.

Mr. HARRIS presented a petition of the Wichita Clearing House Association, of Wichita, Kans., praying for the repeal of the revenue tax levied upon the capital and surplus of banks; which was referred to the Committee on Finance.

He also presented a petition of sundry citizens of Jefferson County, Kans., praying for the enactment of the so-called Grout bill, regulating the manufacture and sale of oleomargarine; which was referred to the Committee on Agriculture and Forestry.

Mr. KYLE presented a petition of the board of county commissioners of Codington County, S. Dak., praying for the construction of reservoirs at the head waters of the Big Sioux River, in that State; which was referred to the Committee on Irrigation and Reclamation of Arid Lands.

Mr. MALLORY presented a memorial of the Universal Peace Union, remonstrating against the proposed increase of the United States Army; which was referred to the Committee on Military Affairs.

Mr. PENROSE presented a petition of the Woman's Christian Temperance Union of Pennsylvania, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in any post exchange, canteen, or transport or upon any premises used for military purposes by the United States; which was referred to the Committee on Military Affairs.

He also presented a petition of the Sorosis Society of Pittsburg, Pa., praying for the establishment of a forest reserve and national park in the State of Minnesota; which was referred to the Committee on Agriculture and Forestry.

Mr. QUARLES presented a petition of sundry citizens of Wisconsin, praying for the repeal of the revenue tax on beer; which was referred to the Committee on Finance.

He also presented the petition of J. G. and W. K. Flint, of Milwaukee, Wis., praying for the repeal of the revenue tax on tea; which was referred to the Committee on Finance.

He also presented a petition of the Wisconsin State Grange,

Patrons of Husbandry, and of sundry citizens of Burlington, Cleveland, Johnson Creek, Fort Atkinson, Neillsville, and Minnoro, all in the State of Wisconsin, praying for the enactment of the so-called Grout bill, regulating the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

He also presented a petition of the Interstate Commerce Law Convention, praying for the adoption of certain amendments to the interstate-commerce law; which was referred to the Committee on Interstate Commerce.

Mr. PROCTOR presented a petition of the New England Drug Exchange, praying for the repeal of the revenue-stamp tax upon proprietary medicines, etc.; which was referred to the Committee on Finance.

Mr. CULLOM presented a petition of the Steele-Wedelles Company, of Chicago, Ill., and a petition of Oakford & Fahnestock, of Illinois, praying for the repeal of the revenue tax on tea; which was referred to the Committee on Finance.

He also presented the petition of Charles W. Tegtmeyer, of Chicago, Ill., praying for the repeal of the revenue tax on beer; which was referred to the Committee on Finance.

He also presented a memorial of Pomona Grange, No. 83, Patrons of Husbandry, of Peoria County, Ill., remonstrating against the passage of the so-called ship-subsidy bill; which was ordered to lie on the table.

He also presented a petition of the Southern Nurserymen's Association, praying for the enactment of legislation providing uniform regulations governing the transportation of nursery stock, etc.; which was referred to the Committee on Agriculture and Forestry.

He also presented 32 petitions of citizens of Illinois, praying for the enactment of the so-called Grout bill, regulating the manufacture and sale of oleomargarine; which were referred to the Committee on Agriculture and Forestry.

Mr. COCKRELL presented a memorial of sundry citizens of Rosendale, Mo., and a memorial of sundry citizens of Bolckow, Mo., remonstrating against the passage of the so-called parcels-post bill; which were referred to the Committee on Post-Offices and Post-Roads.

Mr. MORGAN presented a memorial and sundry papers to accompany the bill (S. 4496) granting an increase of pension to Emma McLaughlin; which were referred to the Committee on Pensions.

REPORT OF SUPERINTENDENT OF INDIAN SCHOOLS.

Mr. PLATT of New York, from the Committee on Printing, reported the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Public Printer be, and he is hereby, authorized to print, for the use of the superintendent of Indian schools, 1,000 additional copies of the Report of the Superintendent of Indian Schools for the fiscal year ended June 30, 1900, in order to supply the demands therefor.

PAVING OF CERTAIN STREETS IN THE CITY OF WASHINGTON.

Mr. McMILLAN. I am directed by the Committee on the District of Columbia to report a joint resolution and to ask for its immediate consideration.

Joint resolution (S. R. 138) providing for the paving of certain streets in the city of Washington was read the first time by its title and the second time at length, as follows:

Resolved by the Senate and House of Representatives, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized to pave with asphalt the roadway on First street NW. from B to C streets, and Second street NW. from B to C streets, and B street NW. from First to Second streets, at an expense not to exceed \$20,000.

The PRESIDENT pro tempore. Is there objection to the present consideration of the joint resolution?

There being no objection, the joint resolution was considered as in Committee of the Whole.

The joint resolution was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

NANNIE E. YASTE.

Mr. GALLINGER, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. WELLINGTON on the 11th instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That the Secretary of the Senate be, and he hereby is, authorized and directed to pay to Nannie E. Yaste, widow of Daniel A. Yaste, deceased, late a member of the Capitol police force, a sum equal to six months' salary, at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

PAYMENT OF CERTAIN CLAIMS.

Mr. TELLER. I am directed by the Committee on Claims to move that the bill (S. 1676) for the payment of certain claims be recommitted to the Committee on Claims.

The motion was agreed to.

STATUE OF GEN. U. S. GRANT.

Mr. WETMORE. I am directed by the Committee on the Library to move that the bill (H. R. 6240) for the preparation of plans or designs for a memorial or statue of Gen. Ulysses S. Grant on ground belonging to the United States Government in the city of Washington, D. C., be recommitted to the Committee on the Library.

The motion was agreed to.

HOLIDAY RECESS.

Mr. ALLISON, from the Committee on Appropriations, to whom was referred the following concurrent resolution from the House of Representatives, reported it without amendment; and it was considered by unanimous consent, and agreed to:

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Friday, December 21, they stand adjourned until 12 o'clock meridian on Thursday, January 3, 1901.

BILLS INTRODUCED.

Mr. SEWELL introduced a bill (S. 5159) to amend an act approved March 3, 1885, entitled "An act to provide for the settlement of the claims of officers and enlisted men of the Army for loss of private property destroyed in the military service of the United States;" which was read twice by its title, and referred to the Committee on Claims.

Mr. PLATT of New York introduced a bill (S. 5160) granting a pension to Virginia E. King; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. THURSTON introduced a bill (S. 5161) to authorize the Secretary of the Interior to make rules and regulations governing the selection and renting of prospective allotments under the act of Congress approved June 28, 1898; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. FOSTER introduced a bill (S. 5162) for the relief of Henry Bash; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 5163) granting the right of way for a railroad and telegraph line to the Columbia Valley Railroad Company across the Vancouver Barracks and Military Reservation, the Three Tree Point Military Reservation, and the Scarborough Head Military Reservation, all in the State of Washington; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 5164) granting the right of way for a railroad and telegraph line to the Columbia Valley Railroad Company across the United States quarantine station in section 17, township 9 north, range 9 west, Willamette meridian, in the State of Washington; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PENROSE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5165) granting an increase of pension to Newton W. Elmendorf;

A bill (S. 5166) granting an increase of pension to Jackson D. Siner;

A bill (S. 5167) granting an increase of pension to Judson Knight; and

A bill (S. 5168) granting an increase of pension to Mary E. Wolford (with accompanying papers).

Mr. PENROSE introduced a bill (S. 5169) for the recognition of the military service of noncommissioned officers and enlisted men of the United States Volunteers as commissioned officers in certain State military organizations; which was read twice by its title, and referred to the Committee on Military Affairs.

Mr. PLATT of Connecticut introduced a bill (S. 5170) granting a pension to Louise Wolcott Knowlton Browne; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5171) granting an increase of pension to Albert H. Fairchild; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PROCTOR introduced a bill (S. 5172) granting a pension to Elizabeth Bughman; which was read twice by its title, and referred to the Committee on Pensions.

Mr. ALLISON introduced a bill (S. 5173) to amend an act approved June 1, A. D. 1900, entitled "An act to create the southern division of the southern district of Iowa for judicial purposes, and to fix the time and place for holding court therein;" which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 5174) authorizing the construction of a bridge across Rock River, in the State of Illinois; which was read twice by its title, and referred to the Committee on Commerce.

Mr. TELLER introduced a bill (S. 5175) granting a pension to O. Gustave Roedel; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CULLOM introduced a bill (S. 5176) for the relief of M. C. Kerth; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. FAIRBANKS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5177) granting a pension to William Mathers;

A bill (S. 5178) granting an increase of pension to Andrew M. Banks; and

A bill (S. 5179) granting a pension to Fred Sturm.

Mr. HARRIS introduced a bill (S. 5180) granting an increase of pension to Timothy B. Lehane; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TURNER introduced a bill (S. 5181) granting an increase of pension to Thomas J. Bartlett; which was read twice by its title, and referred to the Committee on Pensions.

Mr. VEST introduced a bill (S. 5182) for the creation of a national bureau of criminal identification; which was read twice by its title.

Mr. VEST. I ask that the bill, with the accompanying letter from Major Sylvester, chief of police of this city, be printed and referred to the Committee on the Judiciary. I wish to remark that the bill comes through Major Sylvester from the National Association of Police Superintendents, and is for the establishment of a bureau in connection with the Department of Justice. I hope the committee will give it speedy consideration.

The PRESIDENT pro tempore. The bill will be referred to the Committee on the Judiciary with the accompanying papers. The Senator from Missouri asks that the papers accompanying the bill be printed. Without objection, it is so ordered.

Mr. MALLORY introduced a bill (S. 5183) to grant to the city of Pensacola, in the State of Florida, all the right, title, and interest of the United States of America in and to certain lots of land in said city; which was read twice by its title, and referred to the Committee on Public Lands.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 5184) granting a pension to Penelope E. Russ;

A bill (S. 5185) granting an increase of pension to Ella V. Coston; and

A bill (S. 5186) granting a pension to Mrs. Mary McLaughlin.

Mr. DEPEW introduced a bill (S. 5187) granting a pension to Corinne Strickland; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 5188) for the relief of Harriet E. Noble; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 5189) to create the rank of warrant officer in the United States Army; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced a bill (S. 5190) for the relief of the legal representatives and assigns of the firm of Carpenter & Plass, and the legal representative and assignee of Oren M. Beach; which was read twice by its title, and referred to the Committee on Claims.

Mr. BARD introduced a bill (S. 5191) granting an increase of pension to Selah V. Reeve; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. GALLINGER introduced a bill (S. 5192) granting an increase of pension to Richard O. Greenleaf; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MASON introduced a bill (S. 5193) to regulate the manufacture and sale of mixed feed stuffs; which was read twice by its title, and referred to the Committee on Manufactures.

He also introduced a bill (S. 5194) for the relief of Dr. Henry Smith; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. HOAR introduced a bill (S. 5195) to appoint an advisory board of public works for the city of Washington; which was read twice by its title, and referred to the Committee on the District of Columbia.

Mr. ALLEN introduced a bill (S. 5196) granting an increase of pension to James M. Campbell; which was read twice by its title, and referred to the Committee on Pensions.

AMENDMENT TO LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. STEWART submitted an amendment proposing to increase the salary of the surveyor-general for Nevada from \$1,800 to \$2,000 per annum, and increasing the allowance for clerks in his office from \$1,500 to \$2,500, intended to be proposed by him to the legislative, executive, and judicial appropriation bill; which was referred to the Committee on Appropriations, and ordered to be printed.

PAYMENT OF CERTAIN CLAIMS.

Mr. STEWART submitted an amendment intended to be proposed by him to the bill (S. 1676) for the payment of certain

claims; which was referred to the Committee on Claims, and ordered to be printed.

BOUNTY ON AGRICULTURAL EXPORTS.

Mr. ALLEN submitted an amendment intended to be proposed by him to the bill (S. 727) to promote the commerce and increase the foreign trade of the United States and to provide auxiliary cruisers, transports, and seamen for Government use when necessary; which was ordered to lie on the table and be printed, and to be printed in the RECORD, as follows:

Strike out all after the enacting clause and insert the following:

"That on the passage of this act, and after the lapse of fifteen months, there shall be paid, out of any money in the Treasury of the United States not otherwise appropriated, to any exporter of wheat or wheat flour, rye or rye flour, corn, ground or unground, cotton, hops, or tobacco, produced wholly in the United States and exported by sea from any port in the United States to any port of a foreign nation, certain sums, to wit: Ten cents per bushel on wheat; 50 cents per barrel on wheat flour; 10 cents per bushel on rye; 50 cents per barrel on rye flour; 5 cents per bushel on corn; 7 cents per bushel on corn, ground; 1 cent per pound on cotton; 2 cents per pound on hops; 2 cents per pound on tobacco.

"SEC. 2. That if any article named in section 1 of this act shall be exported in American vessels, the corresponding bounty on such export as designated in said section shall be increased by 10 per cent over the sum therein provided.

"SEC. 3. That all payments of bounty under this act shall be made upon negotiable vouchers, payable in thirty days from date, issued by the collector of customs at the port of clearance, and directed to the Treasurer of the United States; and the Secretary of the Treasury is hereby charged with making and enforcing the regulations necessary for the protection of the Government in administering this law.

"SEC. 4. That the President of the United States is hereby directed to notify all foreign nations of the desire of this Government to abrogate any treaty provisions in contravention of this act."

Amend the title so as to read: "A bill for the protection of agricultural staples and American ships in the foreign trade by authorizing the payment of bounties on exports of agricultural products of the United States, conditioned on their carriage in American or foreign vessels."

BURLINGTON BAY (MINNESOTA) IMPROVEMENT.

Mr. NELSON submitted the following concurrent resolution; which was considered by unanimous consent, and agreed to:

Resolved by the Senate (the House of Representatives concurring). That the Secretary of War be, and he hereby is, directed to transmit to the present Congress a plan and estimate for the improvement of Burlington Bay, Two Harbors, in the State of Minnesota, based upon the examination and survey heretofore made of said bay.

SEIZURE OF COTTON IN INSURRECTIONARY DISTRICTS.

Mr. MONEY. I move that the Senate proceed to the consideration of the bill (S. 602) to revive and amend an act to provide for the collection of abandoned property and the prevention of frauds in insurrectionary districts within the United States, and acts amendatory thereof, a bill on the Calendar passed over without prejudice under Rule VIII.

The PRESIDENT pro tempore. The bill will be read to the Senate in full for its information.

The Secretary read the bill.

Mr. MONEY. I ask the Secretary to read section 6, a new section which has been reported favorably by the Committee on Claims, the amendment having been offered by me.

The PRESIDENT pro tempore. The Secretary will read the amendment.

The SECRETARY. After line 19 on page 5 insert as a new section the following:

SEC. 6. That the provisions of this act shall apply exclusively to the cotton belonging to private owners seized by the agents of the Government of the United States under the act of March 13, 1863, called the captured and abandoned property act, which cotton was sold and the proceeds thereof placed in the Treasury of the United States, and shall not apply to any other property seized under said act.

Mr. LODGE. Mr. President—

The PRESIDENT pro tempore. The Senator from Mississippi moves that the Senate proceed to the consideration of the bill which has been read in full to the Senate.

Mr. LODGE. As that bill is certain to involve a great deal of debate, I am obliged to move that the Senate now proceed to the consideration of executive business.

Mr. MONEY. Mr. President—

Mr. ALDRICH. Debate is not in order.

Mr. MONEY. I have the floor I believe on the motion, and I do not see how the Senator from Massachusetts can take me off the floor. I made a motion that the Senate proceed to the consideration of the bill, and that motion has been entertained.

Mr. LODGE. Pending that, I make the motion to proceed to the consideration of executive business, which takes precedence. The PRESIDENT pro tempore. The motion of the Senator from Massachusetts is clearly in order. It takes precedence.

Mr. JONES of Arkansas. Will the Senator from Massachusetts yield to me for a moment to present a report?

Mr. LODGE. Certainly; I yield for morning business.

Mr. MONEY. Mr. President, I desire to give notice to the Senate that I shall call this bill up at the first opportunity, and I shall continue to press for an opportunity. It was clearly understood at the late session that if I gave way to appropriation bills—

Mr. ALDRICH. Debate is not in order.

Mr. MONEY. I would be allowed an opportunity to have the bill considered at this session. That was not expressed in any proceeding publicly, but it was the understanding, and I now give notice that I am going to press the bill at every opportunity.

Mr. ALDRICH. There has been no understanding about the bill to my knowledge, and I am sure there never has been any put into the RECORD or made outside of the RECORD.

The PRESIDENT pro tempore. The Senator from Massachusetts yielded for morning business. Is there further morning business?

SENATOR FROM MONTANA.

Mr. JONES of Arkansas. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate to report back resolution No. 433, introduced by the Senator from New Hampshire [Mr. CHANDLER], authorizing the Committee on Privileges and Elections in making the inquiry directed by the Senate concerning the credentials and appointments of William A. Clark and Martin Maginnis as Senator from Montana, to send for persons and papers and incur certain expenses.

The Committee to Audit and Control the Contingent Expenses of the Senate have not considered the resolution for the reason that it does not appear to come from a standing committee of the Senate. The committee believe it is necessary before a committee is authorized to incur expenses of this sort that it should be the judgment of that committee that they should have such authority.

I am directed to report the resolution back to the Senate, with the request that it be sent to the Committee on Privileges and Elections for their action.

The PRESIDENT pro tempore. The Senator from Arkansas, from the Committee to Audit and Control the Contingent Expenses of the Senate, reports back resolution No. 433, authorizing the Committee on Privileges and Elections, in making the inquiry concerning the credentials and appointments of William A. Clark and Martin Maginnis as Senator from Montana, to employ a stenographer, etc., and asks that it be referred to the Committee on Privileges and Elections. Is there objection? The Chair hears none, and it is so referred.

Mr. CHANDLER. Mr. President, I make a privileged report. I report back the resolution, with an amendment to be added at the close thereof, and ask that the resolution—

The PRESIDENT pro tempore. The Senator from New Hampshire reports back from the Committee on Privileges and Elections the following resolution, with an amendment.

The SECRETARY. The amendment is to add at the end of the resolution—

and said committee is further authorized to make the inquiry either as a full committee or by any subcommittee thereof duly appointed.

The PRESIDENT pro tempore. The amendment is agreed to, without objection.

Mr. VEST. What is the resolution?

Mr. COCKRELL. Let us hear the resolution.

The PRESIDENT pro tempore. The resolution will be read.

The Secretary read the resolution submitted by Mr. CHANDLER on the 11th instant, as follows:

Resolved, That the Committee on Privileges and Elections, in making the inquiry directed by the Senate in resolution 371, concerning the credentials and appointments of William A. Clark and Martin Maginnis as Senator from Montana, shall have authority to send for and examine persons and papers and to employ a stenographer, the expenses of the inquiry to be paid from the contingent fund of the Senate.

Mr. COCKRELL. I should like to hear read the resolution that was passed to which that refers and upon which it is based.

The PRESIDENT pro tempore. That is the resolution which has just been read.

Mr. VEST. That is it.

The PRESIDENT pro tempore. Both the resolution and amendment have been read.

Mr. VEST. Now let the amendment which comes in at the end of it be read.

Mr. COCKRELL. There was a resolution reported by the Senator from Arkansas.

The PRESIDENT pro tempore. Yes, and referred to the Committee on Privileges and Elections, and immediately the Committee on Privileges and Elections reported back the resolution. It was reported by the Senator from New Hampshire [Mr. CHANDLER].

Mr. COCKRELL. Have the Committee on Privileges and Elections had a meeting on it?

The PRESIDENT pro tempore. The committee reported it back through the chairman with an amendment. The amendment has been read to the Senate, and also the resolution.

Mr. COCKRELL. Now let them both be read together. There was a separate resolution.

Mr. JONES of Arkansas. Mr. President, a word of explanation perhaps will let the Senator from Missouri understand what this is.

There were two resolutions pending here as to the seating of William A. Clark and Martin Maginnis. They were referred to the Committee on Privileges and Elections. A resolution was then offered by the Senator from New Hampshire [Mr. CHANDLER] authorizing the Committee on Privileges and Elections to send for persons and papers and to employ a stenographer, and so forth. That was sent to the Committee to Audit and Control the Contingent Expenses of the Senate. That resolution having originated from a single Senator, and not coming from the Committee on Privileges and Elections, it was reported back by the Committee to Audit and Control the Contingent Expenses of the Senate without action, to be sent to the Committee on Privileges and Elections to know whether or not the committee wanted the power to send for persons and papers. The resolution was sent back for that purpose. The committee had a meeting this morning, as I understand, and they have reported the resolution back favorably, asking for permission to send for persons and papers, and the regular course will be for the resolution now to go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. CHANDLER. Mr. President, that question will arise, I suppose, if objection is made to having the resolution acted upon at this time. I understand the amendment recommended by the committee has been adopted.

The PRESIDENT pro tempore. It has.

Mr. CHANDLER. I ask for action upon the resolution at this time.

Mr. ALLEN. I object.

Mr. CHANDLER. The resolution having once been to the Committee to Audit and Control the Contingent Expenses of the Senate, I do not understand it is necessary that it shall go there again. I never have known of any case of this kind to happen in the Senate.

Mr. COCKRELL. Mr. President, to end it I will object to the present consideration of the resolution.

Mr. JONES of Arkansas. I wish to say, in reply to what the Senator from New Hampshire just now said, that under the rule the resolution must go to the Committee to Audit and Control the Contingent Expenses of the Senate. They have not taken it up; they have not considered it; and I so stated when I reported it back. All we did was to report that the resolution came not from a committee, but from a single member of the Senate, and the committee were not inclined to take action on it. The committee believe that no resolution of that sort ought to be acted on except when it comes from a committee asking to be allowed to send for persons and papers. The committee had not asked for it, and to ascertain whether or not the committee wanted the power we reported the resolution back to the Senate and sent it to the committee.

Now, when the committee say they want permission to send for persons and papers, the question as to whether the contingent fund of the Senate is sufficient to authorize it is a question that must be looked into at this time by the Committee to Audit and Control the Contingent Expenses of the Senate. The committee have never looked into that question before because the Committee on Privileges and Elections had not asked for it.

Mr. CHANDLER. Mr. President, I never have known this course pursued before. I have never known a resolution of this character to go twice to the Committee to Audit and Control the Contingent Expenses of the Senate. I have examined the rule, however. I think the Senator from Arkansas is right, and I shall ask to have the resolution referred to that committee again.

I congratulate the Senator upon the diligence with which he is seeking to enforce in this case for the first time a strict and rigid construction of the rule. I shall ask the Senator, the acting chairman of the committee, to report the resolution again to the Senate as soon as possible.

Mr. GALLINGER. Mr. President, on two former occasions I have called attention to what I have thought has not been a proper procedure in the matter of sending resolutions to the Committee to Audit and Control the Contingent Expenses of the Senate which involve questions as to whether or not investigations should be made or special committees appointed. This resolution belongs to that class, and the Senator from Arkansas [Mr. JONES] is acting under instructions from the committee, without any dissenting voice, in reporting it back with the recommendation that it be referred to the Committee on Privileges and Elections.

I quite agree with my colleague on the committee that the Committee on Contingent Expenses has not taken into consideration the question as to whether or not the contingent fund will warrant this investigation. I think the procedure is entirely proper, and that the resolution ought now to be referred without debate or objection to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. CHANDLER. I think the Senator is right. I think the committee have reached the true construction of the rule; but I

ask my colleague from New Hampshire whether or not this has been the uniform course heretofore.

Mr. GALLINGER. Mr. President—

Mr. ALLEN. Mr. President, I objected to the consideration of this resolution some time ago, and I now insist that debate upon it is out of order.

Mr. CHANDLER. Objection to the consideration of the resolution can not be made. I ask my colleague—

The PRESIDENT pro tempore. The Senator from New Hampshire [Mr. CHANDLER] asked unanimous consent, and the Senator from Nebraska [Mr. ALLEN] objected. The question now is as to whether the resolution shall be referred to the Committee to Audit and Control the Contingent Expenses of the Senate. The Chair does not understand that there is any question raised about that.

Mr. CHANDLER. There is no objection to it, but I desire to ask my colleague to answer the question which I put.

Mr. ALLEN. I understand the objection carries the resolution over until to-morrow under the rule.

Mr. CHANDLER. No, Mr. President; but I ask my colleague whether it is not a new construction of the rule, and whether hereafter the Committee to Audit and Control the Contingent Expenses of the Senate will refuse to investigate the question of whether an expenditure can be made until after a committee of this body has passed upon the necessity for it and asked that the expenditure may be sanctioned?

Mr. GALLINGER. The answer I can frankly give, so far as one member of the committee is concerned. I have always held to that view and have tried to enforce it in the committee. Whether or not the committee has always so acted I can not say, but I simply desire to repeat that it is not in accordance with the rules, and it is not correct procedure on the part of this body to send to the Committee to Audit and Control the Contingent Expenses of the Senate questions as to the desirability of making investigations or appointing special committees for certain work.

Mr. CHANDLER. Now I call attention to the fact that the universal rule of the Chair has been to refer resolutions of this kind immediately, in the first instance, to the Committee to Audit and Control the Contingent Expenses of the Senate, and we are now inaugurating a new rule, which I think is the correct rule and ought to have been pursued at all times.

Mr. GALLINGER. Then we agree, Mr. President.

The PRESIDENT pro tempore. The Chair simply desires to call the attention of the Senator from Nebraska [Mr. ALLEN] to the fact that the Senator's objection was made to the request on the part of the Senator from New Hampshire [Mr. CHANDLER] for the immediate consideration of the resolution, and if the Senator from Nebraska objected to the consideration of the resolution, it would go over under the rule.

Mr. ALLEN. I do object to it, Mr. President.

Mr. CHANDLER. I dislike to differ with the Chair, but—

Mr. ALLEN. I do not think the Chair heard me. I objected to the consideration of the resolution before the Senator from Arkansas [Mr. JONES] made his remarks, and I now renew my objection.

Mr. CHANDLER. I dislike to differ with the Chair, but the resolution has been before the Senate two or three days; it is a question of privilege, and now it may be acted upon by the Senate or referred. I do not object to the reference.

Mr. ALLEN. I also object to any further debate on this subject.

The PRESIDENT pro tempore. The resolution will be referred to the Committee to Audit and Control the Contingent Expenses of the Senate.

EXECUTIVE SESSION.

Mr. LODGE. I now renew my motion that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After four hours spent in executive session the doors were reopened, and (at 4 o'clock and 50 minutes p.m.) the Senate adjourned until to-morrow, Saturday, December 15, 1900, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate December 14, 1900.

POSTMASTERS.

Charles J. McGill, at Dawson, Fayette County, Pa.
Albert O. Blackwell, at La Porte, Harris County, Tex.
Jane E. Loveland, at Menlo Park, San Mateo County, Cal.
George G. Taylor, at Mountain View, Santa Clara County, Cal.
Ralph N. Hill, at Oxnard, Ventura County, Cal.
Orlando Rogers, at Independence, Teller County, Colo.
Nehemiah J. Knipple, at Buda, Bureau County, Ill.
Thomas J. Wimmer, at Cerro Gordo, Piatt County, Ill.
Samuel W. Maytubby, at Caddo, Choctaw Nation, Ind. T.

James Schroeder, at Guttenberg, Clayton County, Iowa.
Reuben F. Price, at Milford, Dickinson County, Iowa.
Rezin B. Boulden, at Millersburg, Bourbon County, Ky.
Jacob P. Hazen, at Shirley, Middlesex County, Mass.
John B. Bryant, at Burlington Junction, Nodaway County, Mo.
Reuben Abel, at Bernardsville, Somerset County, N. J.
Thomas Graham, at Point Pleasant, Ocean County, N. J.
Fred F. Hawley, at Caldwell, Warren County, N. Y.
Richard G. Bennett, at Tuckahoe, Westchester County, N. Y.
Mary A. Milligan, at Hope, Steele County, N. Dak.
Alfred Noecker, at Greenwich, Huron County, Ohio.
William T. Griffith, at Mingo Junction, Jefferson County, Ohio.
George Summers, at Prineville, Crook County, Oreg.
Frank G. Jewett, at Sumpter, Baker County, Oreg.
William S. Schlichter, at Sellersville, Bucks County, Pa.
Alvin F. Miller, at Valley Falls, Providence County, R. I.
Jacob M. Harrell, at Manor, Travis County, Tex.
James M. Ragan, at Oxford, Calhoun County, Ala.
Charles M. Lehman, at Black Rock, Lawrence County, Ark.
Thomas B. Murphy, at Osceola, Mississippi County, Ark.
Mary E. Hughey, at Warren, Bradley County, Ark.
Alexander P. Merrill, at Campbell, Santa Clara County, Cal.
David B. Rigdon, at Statesboro, Bulloch County, Ga.
Arthur Waal, at Lahaina, Maui Island, Hawaii Territory.
Charles Hulbert Bishop, at Lihue, Kauai Island, Hawaii Territory.

Joel W. Ellis, at Seneca, Lasalle County, Ill.
Henry C. Bogue, at Vermont, Fulton County, Ill.
John B. Jones, at Lehigh, Choctaw Nation, Ind. T.
Henry Metz, at Tonganoxie, Leavenworth County, Kans.
Charles R. Suydam, at Belmont, Middlesex County, Mass.
William T. Britton, at Bloomington, Franklin County, Nebr.
Jay Jackson, at Pine Plains, Dutchess County, N. Y.
Saadi M. Johnstone, at Woodside, Queens County, N. Y.
John D. Massey, at Smithfield, Johnston County, N. C.
Frank A. Geesey, at Archbold, Fulton County, Ohio.
Elias B. Aldrich, at North Amherst, Lorain County, Ohio.
Charles C. Marsh, at Shawnee, Perry County, Ohio.
Joseph A. Randolph, at Waukomis, Garfield County, Okla.
Dick J. Wilcox, at Lakeview, Lake County, Oreg.
Abel W. Severance, at Tillamook, Tillamook County, Oreg.
Charles M. Derickson, at Monessen, Westmoreland County, Pa.
Thomas W. Scott, at Newhaven, Fayette County, Pa.
Joseph G. Moyer, at Perkasio, Bucks County, Pa.
Ebenezer M. Wells, at Cheraw, Chesterfield County, S. C.
Fremont Young, at Faulkton, Faulk County, S. Dak.
Joseph B. Schade, at Lawrenceburg, Lawrence County, Tenn.
Burgess W. Witt, at Mossy Creek, Jefferson County, Tenn.
Reuben S. Collett, at Vernal, Uinta County, Utah.
W. W. Hamilton, at Bramwell, Mercer County, W. Va.
John M. Righter, at Cambria, Weston County, Wyo.
Mary H. Ricketts, at Waverly, Humphreys County, Tenn.
Eber S. Andrews, at Williamston, Ingham County, Mich., in place of R. M. Porter, removed.
Joshua Cooke, jr., at Longview, Gregg County, Tex., in place of S. H. Flanagan, removed.

George L. Merguire, at Palo Alto, Santa Clara County, Cal., in place of Matilda Yesle. Incumbent's commission expired February 13, 1899.

David Redfield, at Ardmore, Chickasaw Nation, Ind. T., in place of Moran Scott. Incumbent's commission expired May 29, 1900.
Guido C. Hinchman, at Dover, Morris County, N. J., in place of George McCracken. Incumbent's commission expires January 12, 1901.

John W. Hedley, at Quanah, Hardeman County, Tex., in place of J. M. Doolen. Incumbent's commission expired February 24, 1900.

C. S. Bodenhamer, at Wharton, Wharton County, Tex., in place of Amanda M. Watts. Incumbent's commission expired July 10, 1898.

Homer C. Atwell, at Forest Grove, Washington County, Oreg., in place of J. W. Marsh. Incumbent's commission expired February 19, 1900.

Rufus Waggener, at Hillsboro, Washington County, Oreg., in place of Herman Schulmerich. Incumbent's commission expired April 30, 1900.

Zacharias A. Bowman, at Annville, Lebanon County, Pa., in place of Collins Dean. Incumbent's commission expired January 15, 1900.

David W. Prosser, at Bedford, Bedford County, Pa., in place of S. S. Metzger. Incumbent's commission expired February 25, 1899.
Reginald H. Brainard, at Curwensville, Clearfield County, Pa., in place of E. M. Thompson. Incumbent's commission expired March 23, 1900.

Edwin G. Eckert, at Hanover, York County, Pa., in place of E. K. Gitt. Incumbent's commission expired March 23, 1900.

John W. Grier, at Jersey Shore, Lycoming County, Pa., in place of C. E. Williamson. Incumbent's commission expired January 7, 1900.

Edwin F. Luckenbach, at Mauch Chunk, Carbon County, Pa., in place of G. W. Esser. Incumbent's commission expired January 21, 1899.

Edward K. Demmy, at Middletown, Dauphin County, Pa., in place of I. K. Deckard. Incumbent's commission expired April 13, 1900.

James T. Dunfee, at Newville, Cumberland County, Pa., in place of J. M. Woodburn. Incumbent's commission expired January 9, 1900.

Nathaniel H. Brown, at East Greenwich, Kent County, R. I., in place of J. H. Keelin. Incumbent's commission expired May 19, 1900.

Edward W. Jones, at River Point, Kent County, R. I., in place of Charles Quinn. Incumbent's commission expired April 17, 1900.

John M. Hickey, at Henderson, Rusk County, Tex., in place of Sallie Spivy. Incumbent's commission expired January 7, 1900.

Charles Real, at Kerrville, Kerr County, Tex., in place of C. C. Lockett. Incumbent's commission expired April 25, 1900.

George E. Hartson, at Mount Vernon, Skagit County, Wash., in place of J. L. Anable. Incumbent's commission expired June 10, 1900.

Dora Crook, at Jacksonville, Calhoun County, Ala., in place of John Y. Henderson. Incumbent's commission expired December 19, 1899.

John J. C. Barber, at Juneau, Alaska, in place of R. P. Nelson. Incumbent's commission expired April 8, 1900.

Albert W. Durkee, at Greeley, Weld County, Colo., in place of J. M. B. Petrikin. Incumbent's commission expired February 24, 1900.

Jesse T. Sharpe, at Seaford, Sussex County, Del., in place of E. M. Scott. Incumbent's commission expired January 9, 1900.

Robert J. Mitchell, at Quincy, Gadsden County, Fla., in place of William Munroe. Incumbent's commission expired May 15, 1900.

Thomas Quinney, at Waynesboro, Burke County, Ga., in place of J. L. Fulcher. Incumbent's commission expired February 13, 1900.

Charles H. Hurt, at Barry, Pike County, Ill., in place of N. R. Davis. Incumbent's commission expired January 23, 1900.

Horace Haldeman, at Bement, Piatt County, Ill., in place of W. B. Fleming. Incumbent's commission expired January 23, 1900.

Swan J. Chilberg, at Cambridge, Henry County, Ill., in place of L. A. Keagy. Incumbent's commission expired January 23, 1900.

John G. Beal, at Manning, Carroll County, Iowa, in place of Peter Stephany. Incumbent's commission expired January 15, 1900.

Joseph A. Farrell, at Mason City, Cerro Gordo County, Iowa, in place of W. E. Miller. Incumbent's commission expired April 13, 1900.

Ross A. Nicholson, at New Sharon, Mahaska County, Iowa, in place of J. W. Irwin. Incumbent's commission expired May 6, 1900.

George Cushing, at Hingham, Plymouth County, Mass., in place of George Cushing. Incumbent's commission expired February 11, 1900. (Reappointment.)

Herman A. Wyckoff, at Pontiac, Oakland County, Mich., in place of F. S. Fitch. Incumbent's commission expired March 10, 1900.

David J. Price, at Lake Crystal, Blue Earth County, Minn., in place of H. C. Howard. Incumbent's commission expired March 3, 1900.

Nels C. Nelson, at Two Harbors, Lake County, Minn., in place of W. B. Woodward. Incumbent's commission expired May 14, 1900.

Allison S. Pitts, at Hattiesburg, Perry County, Miss., in place of R. J. Collins. Incumbent's commission expired January 15, 1900.

Edward M. Scott, at Rosedale, Bolivar County, Miss., in place of Edward M. Scott. Incumbent's commission expired January 15, 1900. (Reappointment.)

James R. Dyer, at Ashgrove, Greene County, Mo., in place of Charles McCray. Incumbent's commission expired May 29, 1900.

George W. Crane, at Fort Benton, Choteau County, Mont., in place of Joseph Sullivan. Incumbent's commission expired May 9, 1900.

Charles Whitehead, at South River, Middlesex County, N. J., in place of William Morgan. Incumbent's commission expired April 16, 1900.

Arthur C. Agan, at Fayetteville, Onondaga County, N. Y., in place of Frank Boynton. Incumbent's commission expired June 6, 1900.

George A. McKinnon, at Sidney, Delaware County, N. Y., in place of Truman Lewis. Incumbent's commission expired April 16, 1900.

Robert P. Brown, at West New Brighton, Richmond County, N. Y., in place of Robert P. Brown. Incumbent's commission expired December 19, 1893. (Reappointment.)

Walter J. Raley, at Kent, Portage County, Ohio, in place of E. E. France. Incumbent's commission expired March 13, 1900.

William B. Wallace, at Oxford, Butler County, Ohio, in place of D. O. Corcoran. Incumbent's commission expired September 7, 1897.

Robert H. Robinson, at Arlington, Gilliam County, Oreg. William L. Rogers, at Conroe, Montgomery County, Tex. Andrew C. Bailey, at Ford City, Armstrong County, Pa.

The persons hereby nominated are now serving under temporary commissions issued during the recess of the Senate.

Thomas B. Lawler, at Ensley, Jefferson County, Ala. Charles A. Bills, at Dunsmuir, Siskiyou County, Cal.

Susie E. Taylor, at Lake Providence, East Carroll County, La. Montrose E. Hill, at Old Orchard, York County, Me.

Frank E. Bardwell, at Excelsior, Hennepin County, Minn. William B. Anderson, at Hopkins, Hennepin County, Minn.

Melvin W. Caster, at Clayton, St. Louis County, Mo. William H. Austin, at Franklin, Franklin County, Nebr.

Charles J. Sweet, at Black River, Jefferson County, N. Y. John A. Simon, at Queens, Queens County, N. Y.

George C. Watson, at New Concord, Muskingum County, Ohio. Lyman P. Bailey, at Putney, Windham County, Vt.

Velosco J. Knapp, at Anacortes, Skagit County, Wash. Howard S. Datesman, at Douglas, Converse County, Wyo.

Karl Spinner, at Green River, Sweetwater County, Wyo. Gustave Jensen, at Saratoga, Carbon County, Wyo.

Elias M. Williams, at Clifton, Graham County, Ariz., in place of F. H. Hudson, resigned.

Alfred R. Booth, at Paso Robles, San Luis Obispo County, Cal., in place of R. W. Putnam, removed.

George J. Arnow, at Gainesville, Alachua County, Fla., in place of James Bell, deceased.

George F. McGinnis, at Indianapolis, Marion County, Ind., in place of J. W. Hess, deceased.

John Walter Lowry, at Knightstown, Henry County, Ind., in place of E. H. Cole, deceased.

Harper W. Wilson, at Audubon, Audubon County, Iowa, in place of G. B. Russell, deceased.

John Buchanan, at Eagle Grove, Wright County, Iowa, in place of F. J. Will, resigned.

Maud McGill, at Oswego, Labette County, Kans., in place of W. F. McGill, removed.

Elliott Wood, at Winthrop, Kennebec County, Me., in place of J. E. Lewis, deceased.

Edgar W. Prentiss, at Bethany, Harrison County, Mo., in place of B. M. Prentiss, resigned.

William E. Templeton, at Excelsior Springs, Clay County, Mo., in place of A. H. Dooley, resigned.

Frank D. W. Arnold, at Lamar, Barton County, Mo., in place of T. L. Wills, removed.

Henry L. Eads, at Pattonsburg, Daviess County, Mo., in place of John H. Heath, deceased.

Edward R. Williams, at Richmond, Ray County, Mo., in place of J. M. Wright, resigned.

Frederick B. Powell, at Amityville, Suffolk County, N. Y., in place of Leander Wright, removed.

George W. Belton, at Whitestone, Queens County, N. Y., in place of C. R. Bindhamer, removed.

Richard H. Smith, at Mandan, Morton County, N. Dak., in place of C. E. Nichols, resigned.

William B. Palmer, at Clifton Heights, Delaware County, Pa., in place of W. H. Logan, deceased.

Albert Magnin, at Darby, Delaware County, Pa., in place of G. W. Clancy, removed.

William D. Williams, jr., at McDonald, Washington County, Pa., in place of Boyce Rankin, resigned.

Charles Lattimore, at Milford, Pike County, Pa., in place of J. S. Gale, deceased.

Samuel S. Wright, at Montrose, Susquehanna County, Pa., in place of W. B. Stoddard, deceased.

George C. Worstall, at Newtown, Bucks County, Pa., in place of J. S. Groff, removed.

John Redd, at Bolivar, Hardeman County, Tenn., in place of John Kenny, deceased.

Lewis A. Skiff, at Middlebury, Addison County, Vt., in place of E. H. Thorp, resigned.

Houston T. Estes, at Muskogee (late Muscogee), Creek Nation, Ind. T., in place of Houston T. Estes, reappointed upon change in name of office.

Luther Severance, at Hilo, island of Hawaii, Hawaii Territory. Original appointment under an act of Congress entitled "An act to provide a government for the Territory of Hawaii," approved April 30, 1900.

Joseph M. Oat, at Honolulu, island of Oahu, Hawaii Territory,

in place of John M. Oat, nominated and confirmed through error in name.

CONFIRMATIONS.

Executive nominations confirmed by the Senate December 14, 1900.

AMBASSADOR.

George V. L. Meyer, of Massachusetts, to be ambassador extraordinary and plenipotentiary of the United States to Italy.

INDIAN AGENT.

John R. Brennan, of Rapid City, S. Dak., to be agent for the Indians of the Pine Ridge Agency in South Dakota.

HOUSE OF REPRESENTATIVES.

FRIDAY, December 14, 1900.

The House met at 12 o'clock m. Prayer by the Chaplain, Rev. HENRY N. COUDEN.

The Journal of the proceedings of yesterday was read and approved.

PAY OF EMPLOYEES FOR DECEMBER.

Mr. LOUDENSLAGER. Mr. Speaker, I ask unanimous consent for the present consideration of the joint resolution which I now send to the desk.

The SPEAKER. The joint resolution will be read, after which the Chair will ask if there be objection to its present consideration.

The joint resolution (H. Res. 281) was read, as follows:

Resolved, That the Secretary of the Senate and the Clerk of the House of Representatives be, and they are hereby, authorized and directed to pay the officers and employees of the Senate and House of Representatives, including the Capitol police, their respective salaries for the month of December, 1900, on the 20th day of December, 1900.

The SPEAKER. Is there objection to the present consideration of the joint resolution?

There being no objection, the resolution was read a second time, ordered to be engrossed, and read a third time; and was accordingly read the third time, and passed.

On motion of Mr. LOUDENSLAGER, a motion to lay on the table a motion to reconsider the vote by which the joint resolution was passed was adopted.

PENSION APPROPRIATION BILL.

Mr. BARNEY, from the Committee on Appropriations, reported a bill (H. R. 12737) making appropriation for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1902, and for other purposes; which was ordered to be printed and referred to the Committee of the Whole House on the state of the Union.

Mr. RICHARDSON of Tennessee. I desire to reserve all points of order, Mr. Speaker.

The SPEAKER. That reservation will be noted.

WAR-REVENUE REDUCTIONS.

Mr. PAYNE. I move that the House now resolve itself into Committee of the Whole House on the state of the Union for the further consideration of bill H. R. 12394.

The motion was agreed to.

The House accordingly resolved itself into the Committee of the Whole, Mr. HEPBURN in the chair.

The CHAIRMAN. The House is now in Committee of the Whole on the state of the Union for the purpose of considering House bill 12394.

Mr. PAYNE. Mr. Chairman, the understanding is that the time this morning up to 2 o'clock, to be devoted to general debate, is to be equally divided between the two sides, the gentleman from Tennessee [Mr. RICHARDSON] controlling half of it.

Mr. RICHARDSON of Tennessee. That will give us fifty-five minutes this morning.

The CHAIRMAN. Yes.

Mr. RICHARDSON of Tennessee. I now yield fifteen minutes to the gentleman from Georgia [Mr. MADDOX].

Mr. DALZELL. I understand, Mr. Chairman, that gives fifty-five minutes on a side.

Mr. RICHARDSON of Tennessee. That is right.

[Mr. MADDOX addressed the committee. See Appendix.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. RICHARDSON of Tennessee. I yield fifteen minutes to the gentleman from Virginia [Mr. OTEY].

Mr. OTEY. Mr. Chairman, I had not intended to ask the indulgence of the House on this bill, but I find that in the glamour of our military prestige one very important measure is about to be overlooked.

Mr. Chairman, it is in vain that we appeal for a reduction of

tax on tobacco—tobacco, which is more universally used among mankind than any other one thing except the most ordinary articles of food; 980,000,000 of the earth's inhabitants use it, while 600,000,000 use tea, 400,000,000 use opium, and 100,000,000 use coffee, statistics on whisky not being just now at hand. [Applause.] So my appeal for the relief of the man who follows the plow and hoes the tobacco hill being in vain, I appeal for him who, on the sanguinary fields of Cuba, was forgot by you. When our soldiers marshaled against Spain the soldier and sailor were soon reminded that there was great deficiency in providing for their comforts and welfare. In no particular was this made more manifest than the deficiency, viz, in not providing tobacco for them. Encouraged by the hope that nothing would be left undone to sustain him in his heroism and supply his wants in his patriotism, I introduced the following bill:

A bill for the relief of soldiers and sailors.

Be it enacted, etc., That the weekly ration of tobacco for all enlisted men in the Army and Navy during the continuance of the present war shall be 1½ ounces of smoking tobacco and 2 ounces of chewing tobacco.

[Applause.]

It failed when the Army bill came before the House, and so I introduced it the next session on December 4, 1899, and it sleeps in the Committee on Military Affairs.

In the Charlotte Observer—Charlotte, N. C.—of the 10th, the following editorial appears:

The Observer confesses to some interest in the fate of Congressman OTEY's bill to issue tobacco rations to our troops. What has become of it? The matter is called to mind by an article in the London Lancet bearing upon the same question of tobacco for the soldiers. That paper is regarded as the foremost medical authority in England, and after careful consideration of tables and statistics and regimental reports, it has concluded that the British soldier endured the ardors of the South African war so uncomplainingly and hardly by reason of indulgence in tobacco.

The Lancet declares that "used with moderation, tobacco is of value second only to food itself." The veldt war was a war of long marches and scant food. The Lancet finds that these long and stern marches "were borne by the soldiers with a grumble only when their 'smokes' failed them." These facts should inspire Mr. OTEY to renewed endeavors. The tobacco ration should be incorporated in the pending Army bill.

When it was before the House a Republican member of this body sneeringly asked me why I did not include "chewing gum," thus ridiculing the bill, but in earnest I was willing to accept the amendment if it comforted the sailors and soldiers. In the election that followed he was left at home. He was not reelected. Comment is unnecessary.

Now, Mr. Chairman, I have never heard a good reason for not passing this bill. We find its provisions in the regulations of other armies of modern times, and as tobacco is taxed so much heavier than any other product of the soil, it would seem that the Government could, without great strain on its resources, supply this much-needed want.

One and two-thirds ounces of smoking tobacco a week and 2 ounces of chewing tobacco—5 pounds per month of the one and 6 pounds per month of the other—11 pounds of tobacco per head, and, if you have 100,000 men, about 1,000,000 pounds per year. The tax on this would be \$120,000, which will have been paid the Government, and the average price, say, even 10 cents, \$100,000 outlay, and the Government would still have a surplus left of \$20,000, if it applied its tax on 2,000,000 pounds to this lofty and patriotic purpose. It is a fact that there is no solace in camp life or on shipboard like the pipe, and nothing staves off hunger and thirst like the chew of tobacco. [Laughter.]

Mr. Chairman, it is customary to refer to the Fathers, in politics, religion, and business. We revere the opinions of those who have gone before. We hear great men of the past as witnesses. So in the matter of tobacco I will not deviate from the time-honored custom. From its earliest discovery tobacco has been considered a curative. We speak of narcotic poison as if it would kill on sight, and yet what is known as solanine in the potato is an acrid narcotic poison, 2 grains of which produces paralysis in a rabbit in two hours. So says Dr. Emanuel Gardiner, London, a practitioner of "physicke" in 1610, and Dr. John Neander, in Leyden, 1622. Harriot—you all know who Harriot is [laughter]—who joined Sir Walter Raleigh, 1584, wrote in 1588 a true report of the new found land of Virginia. Speaking of "Uppowoe," called afterwards tobacco, he said:

They use the leaves to take the fumes or smoke thereof by sucking through pipes into the stomach and head, from whence it purged superfluous "fleams" and other gross humors; it opened the pores and passages of the body, by which means the use thereof not only preserveth the body from obstructions, whereby their bodies are notably preserved in health and knows not many grievous diseases wherewith all we in England are oftentimes affected.

[Applause.]

This is one reason why we should abrogate the anti-smoking rule in this House, the fumes of tobacco thus neutralizing the carbonic acid gas, which is heavier than air and which is always exhaled from the human system while breathing, every ounce of which falling from these galleries is inhaled by us, than which no deadlier poison could enter our frames. [Applause.]

I hope I will not be interrupted by applause, as I have only fifteen minutes.

Further on they say:

Since our return we have found many rare and wonderful experiments of the virtues of tobacco, of which the relation would require a volume by itself. The use of it by so many men and women of great calling and some learned physicians is sufficient witness.

Fairholt says—of course no member of Congress is unfamiliar with Fairholt [laughter]:

It was to the sanitary effects of tobacco that the honorable introduction in Europe was due. Queens, kings, and cardinals bowed to the dictum of physicians who seemed to look upon the plant as a divine remedy for most diseases and so speedily propounded cures for all that flesh is heir to from various applications, and it was christened *Huba Panacea* or *Huba Santa*.

[Laughter and applause.]

Old poets note the curative virtues of tobacco.

Spenser, in his *Faerie Queene*, where he makes Belphebe include it as in other medicinal herbs gathered by Timias, says:

Into the woods henceforth she went
To seek for herbs that mote him remedy.

* * * * *
Then whether it divine tobacco were
Or panachasa or polygony,
She found and brought it to her patient dear,
Who all this while lay bleeding out his heart blood near.

After this can anybody deny tobacco rations to the defender of our country, our flag, our honor, both on land and sea? [Long applause.]

Henry Buttes—his name is familiar [laughter]—in his curious volume entitled "*Diet's Dry Dinner*," 1799, treats of the virtues of tobacco as a digestive power, and says:

Fruits, herbs, flesh, fish, white nuts, spices, sauce, all,
Concoct all by tobacco cordial.

[Laughter.]

He adds:

Its fumes are good against "rumes," catarrhs, hoarseness, ache in head, stomach, lungs, and breast.

Gardiner (quoted before), in his *Trial of Tobacco*, speaking of a patient who could hardly breathe and was given up by other physicians, said:

Directed him to take tobacco in fume, and little by little he recovered his former strength. It is an unguent to take away all pains of the gout.

[Applause.]

Remain analyzed it. I will not insult your intelligence by saying who Remain was. [Laughter.] Ten thousand parts of tobacco cases contain:

Six parts nicotine, 1 part nicotianine, 287 parts buter extractur [bitter extractive], 174 parts gum mixed with malic acid, 26.7 parts of green resin, 12 parts malate of ammonia, 4.8 parts sulphide of potash, 6.3 chloride of potassium, 9.5 parts potassa which has been combined with malic and nitric acid, 16.6 parts phosphate of lime, 24.2 parts lime which has been combined with malic acid, 8.8 parts of silica, 496.9 parts of febriores or ligneous matter, 88.28 parts of water, traces of starch.

[Applause.]

After this exposition, can you have it in your hearts to refuse this boon to the soldier who keeps your honor unsullied and protects your homes from the ruthless invader?

The analysis omitted a viscid slime equally soluble in water and alcohol and precipitable from both the subacetate of lead; also chlorophyll, a great pulverulent matter, which dissolves in boiling water, but precipitates in cold water; also a beautiful orange-red dyestuff, soluble only in acids, but it deflagrates in fire. [Long laughter and applause.] The animated countenance, the furrowed cheek, the trembling voice, the bending frame, the silent tear of an old soldier impart an interest and gives a touch to his story that no pen can portray, no eloquence imitate. His patriotism expires only with his life; his soul is enraptured with enthusiasm; his memory is on the wing and runs back with lightning quickness to the battles fought and victories won; but he will recall that the ration of tobacco plucked from his mind a rooted sorrow, razed out the written troubles of the brain, and with this sweet, oblivious antidote cleansed the bosom of perilous stuff that weighed upon his heart. [Long and continued applause.]

Mr. LEWIS. Mr. Chairman, I congratulate the tax-paying people of this country and I compliment this Congress that at last we have ceased to permit our thoughts to run upon foreign scenes, have stopped fighting for the freedom of Cuba, and for the moment are not chasing the Filipinos; that for a brief time we have withdrawn our attention from the adjustment of the Chinese situation, are through with planning and regulating the increase of the Army, and are no longer employed in discussing the great ships of this country which were recently ordered built and which are now building; but that we have diverted our thoughts and attention once more to legislation in the interest of the people of this country.

I approve of this bill with all my heart. It is a good bill as far as it goes, but it does not go far enough. The proposition offered by the minority members of the Committee on Ways and Means I consider a far better bill, and I regret exceedingly that it is not before us rather than the bill we now have. I, for one, say that

I am willing to do away with the entire war tax. It was my pleasure one year ago to introduce a bill to repeal the entire war-tax law, and I am sure it would have been proper had we done so, and the country could have well afforded it, its financial condition then, as now, warranting that course.

The Secretary of the Treasury in his annual report shows that the total revenues of the Government from all sources for the fiscal year ended June 30, 1900, were \$669,595,431.18. The total expenditures for the same period were \$590,068,371, which left a surplus of \$79,527,060.18 in the Treasury. Let me tell you what the Government has been doing while we were engaged in war, something that no other government ever did before in the history of the world. At great expense and under unusual taxation burdens this Government in 1898, when the war began, issued \$200,000,000 of bonds which were sold in the market. What was done in 1899, the following year? The Secretary of the Treasury bought in \$22,000,000 worth of unmatured bonds, expending money therefor at a time when heavy special taxes were being levied upon and paid by the people.

Again, the present year, in accordance with the provisions of the act of March 14, 1900, the Secretary of the Treasury, in the conversion of outstanding bonds into consols of 1930, had paid out to November 1 last, for excess of value of these consols, \$34,000,000 in round numbers, making a total of \$56,000,000 that the Secretary of the Treasury has paid out under these unusual conditions. Now, adding these expenditures made on account of bonds to the \$79,000,000 surplus in the Treasury, and you have a total of \$135,000,000. Deducting the war taxes for the fiscal year ended June 30, 1900, which the report of the Secretary of the Treasury shows were \$105,000,000, and the Treasury would have more money by \$30,000,000 at the close of the fiscal year ended June 30, 1900, than it had at the same time in 1899. Therefore it is plain to me, and should be plain to everyone, that the entire war-tax act should be taken from the statute books, and that the people should be permitted to keep this money in their pockets. When a government is not in need of money, when it has an ample amount to meet its legitimate wants and to protect its credit, then to tax the people is unjust. Unnecessary taxation is unjust taxation.

What is England doing to-day? Is she resorting to any such financial tactics? It is true England is selling bonds in bunches and lots to meet the increased expenditures on account of the South African war, but we do not hear of England redeeming her unmatured bonds with the money thus obtained. Here we are constantly dealing in our bonds, selling them one year and buying them the next. What is the Government doing with the money collected from these taxes? To-day there are \$96,000,000 of that money in the national banks of the country, for the use of which the Government does not receive one cent of interest. In times of slight financial trouble, when the banks become depressed and money gets high, if the Government calls in these loans and lessens its balances with these depositories the banks cry out that money is getting high and the Government is mistreating them in withdrawing their deposits from them.

If these banks of depository, holding these great balances from day to day, amounting, as stated, to \$96,000,000—only \$3,000,000 less than the total amount of war taxes collected last year—on which they are not paying one cent of interest, complain when these deposits are demanded, in the name of common sense what must the people say when this very money is being taken from their pockets by high war taxes, under the plea that these large sums are necessary "to meet the train of extraordinary expenditures which follow the close of actual hostilities," to swell the deposit accounts of favored national banks? We should leave this money in the pockets of the people. We do not want to put a great balance in the Treasury or in Government depositories. We have an ample amount of money to maintain the credit of the country, and that credit is as good as it can be.

[Here the hammer fell.]

Mr. RICHARDSON of Tennessee. Mr. Chairman, I now yield twenty minutes to the gentleman from New York [Mr. SULZER].

Mr. SULZER. Mr. Chairman, when the Spanish-American war-revenue bill was being discussed in this House in 1898, leading Republicans on this floor then stated that just so soon as the Spanish-American war was over the war taxes would be repealed. The American people—the taxpayers of this country—expect the Republican party to keep that pledge. It was a solemn promise. This bill willfully and unnecessarily violates it.

Mr. KING. They do not expect it. They think they ought to do it. [Laughter.]

Mr. SULZER. Yes; that is about the truth of the matter. It is to be regretted that the majority of the Ways and Means Committee has failed to meet the reasonable expectation of the taxpayers, and has failed to keep the promise of the Republican leaders in this House when the war-revenue bill was being discussed in 1898. If the Republican members of the Ways and Means Committee had done their duty they would have brought into this

House a bill to repeal the war-revenue law, and to repeal it in toto. The Spanish-American war-revenue law was an emergency measure. It was to remain on the statute books until the war was concluded and then be promptly repealed. The war is over and the war taxes must go. They have no place on our law books in time of peace.

It has been stated here, Mr. Chairman, by one of the members of the Ways and Means Committee, and the facts and statistics confirm the statement, that if the war-revenue law should be repealed it would not cause a deficit in the revenues of the Government this year, next year, or the year thereafter. Why, then, I ask in the name of all that is fair, should these oppressive, unjust, and burdensome war taxes be indefinitely continued in time of peace? The annoying, harassing, and unnecessary war taxes should be repealed.

Mr. Chairman, in the brief time allotted to me by the gentleman from Tennessee it will be impossible for me to fully discuss this bill, but I desire very hurriedly and briefly to criticize one portion of it that seems to do a great injustice. I have received a number of letters from constituents of mine objecting to and protesting against that portion of the bill that continues the additional war taxes on beer. With the permission of the House I shall incorporate some of these letters in the RECORD as a part of my remarks.

The tax on beer is out of all proportion to the tax on other commodities. The manufacturers and consumers of beer pay more than their just share of the burdens of government. They want only what is just. They ask no favor. They want to be treated fairly, and they now demand, two years after the Spanish-American war, that those additional war taxes be repealed. Is this asking too much? Is it not just what you promised when you imposed the additional burden of \$1 a barrel on beer? The tax of \$2 a barrel on beer is too much.

You know the manufacturers engaged in this industry demand that the war taxes on beer be reduced to \$1 a barrel, as it was before the Spanish-American war began. The brewers have sent several representative delegations here asking for the repeal of the war tax, and they have filed hundreds and thousands of petitions in favor of it. But if I know your intentions, and if I am any judge of your policy, their mission has been a failure, their work in vain, and the petitions have been thrown in the wastebasket.

Mr. Chairman, the manufacture of beer is one of the most important industries in this country. It is a legitimate business, and should not be persecuted by oppressive taxation. It gives employment to thousands and hundreds of thousands of men. It affects the producers, the wage earners, and the transportation companies of the whole country. To discriminate against it is unjust and the policy as far-reaching as it is ruinous. At the beginning of the civil war a tax of \$1 a barrel was put on beer, and it was promised then, directly or indirectly, by the party in power that as soon as the emergency should be over that tax would be repealed. That was a war tax. But after the civil war that tax was continued, although most of the other internal-revenue taxes were repealed. This civil-war tax of \$1 a barrel on beer was kept on from that day to this, and notwithstanding it was a war tax in time of peace and burdensome to the producers, the manufacturers, and the consumers they bore it without a murmur. When the Spanish-American war revenue law was passed in 1898 the Republican party doubled the war tax on beer, making it \$2 a barrel.

And now, sir, instead of reducing that tax to \$1 a barrel, as you promised the representatives of that industry when they appeared before your committee in 1893, you propose to continue this burdensome and unjust tax at the rate of \$2 per barrel—or perhaps a little less—indefinitely. Is that fair? Beer is the poor man's drink, and the poor man pays most of this unjust and exorbitant tax. Years ago and during the civil war beer was selling for from \$12 to \$18 per barrel, and the tax then was only \$1 a barrel. To-day beer is selling for from \$5 to \$6 a barrel and the tax is \$2 a barrel. If justice were done in this matter, and members had the courage of their convictions, this House would almost unanimously make the tax on beer what it was before the Spanish-American war.

The brewers' industry pays more taxes to-day into the Treasury of the Government than any other industry in this country. This burdensome additional war tax has driven out of business a great many manufacturers, has driven others into bankruptcy, and forced out of legitimate employment thousands of honest toilers. This war tax falls with a heavy hand on the consumers and with disastrous effect on the manufacturers and retailers of our country. We should do our duty and repeal it.

Yesterday, Mr. Chairman, I listened to the remarks of my friend the gentleman from Missouri [Mr. BARTHOLOMEW]. In the course of his remarks he said that at the proper time he would offer an amendment to this bill to reduce this unjust and iniquitous tax

on beer to \$1.50 a barrel. That is all right so far as it goes, but it does not go far enough. If no one else does, I will offer an amendment to put the tax back to \$1 a barrel, and I trust that this House will adopt that amendment and take off the additional war tax of \$1 a barrel. It ought to be taken off. Under the Spanish-American war-revenue law the beer industry has paid more than one-third of the entire revenue derived from that act.

Under the provisions of this bill now being considered, according to the statement of the chairman of the committee, if you do not reduce the tax, beer will pay nearly two-thirds of the revenue to be derived. This is unjust to this industry. It is an injustice to the people who are engaged in it. The brewers were patriotic. When the Spanish-American war began, when the emergency arose, when the Government needed immediate funds to carry on the war, the brewers of the land came before the Ways and Means Committee and said, "If it is necessary to tax our industry an additional \$1 a barrel to raise immediate revenue to prosecute successfully the Spanish-American war, we are willing to submit and pay such additional taxation on condition that just so soon as the war is over and the emergency passed this additional tax of \$1 a barrel on beer shall be forthwith repealed."

That promise was made to the representatives of this industry; and they and thousands of others are looking to-day to this Congress to see if that promise will be fulfilled. I trust that every fair-minded man in this House, that every member who is opposed to discriminating in favor of one industry by robbing another, who is opposed to unjust and burdensome taxes when they are unnecessary, and who believes that unnecessary taxation is unjust taxation, will support this proposition to repeal this additional war tax on beer and keep the pledge of the Government.

And now, Mr. Chairman, to sum it all up, I am in favor of repealing the additional tax of \$1 a barrel on beer, imposed by reason of the emergency of the Spanish-American war, for the following good and sufficient reasons:

1. That the Spanish war tax is a double tax, as their business had already been paying a war tax of \$1 per barrel since 1862.
2. It exacted 40 per cent of the selling price of their product—\$2 out of \$5—a levy which made production a matter of loss from its imposition.
3. It has resulted, by closing and consolidating establishments in the endeavor to reduce expenses and keep their heads above water, in the loss of employment and the consequent loss of wages to thousands of employees.
4. That a decreased consumption has necessitated, of course, decreased production, and this means not only loss to the brewer, but to the farmer in markets for his products, to the mechanic in employment, to those who have money invested in the business in interest and profit which would eventually find an outlet and give employment to idle thousands, and to the Government in revenue.
5. Because it is unjust to saddle additional burdens upon an industry that has uninterruptedly and uncomplainingly borne the old war tax ever since its first imposition (aiding the Government in devising and maintaining means for its prompt collection), while all other internal war taxes have been totally abolished, except as to ardent spirits and tobacco, in which latter instances the rates of 1865 have been considerably reduced.
6. Because when the war tax of \$1 was imposed beer sold at \$12 per barrel, while to-day, the tax remaining the same, less than one-half of that amount is the average price, wages and the ordinary operating expenses of breweries and the capital required in the business having vastly increased in the meantime.
7. Because when this tax was first imposed the burdens borne by the traffic in the shape of local taxes or license fees did not exceed in any State the sum of \$200, while at the present time in some States these local taxes range up to \$2,000 for each saloon—the total sum of such local taxes and license fees throughout the country amounting to probably \$60,000,000, a disproportionately large share of which enormous sum must be and is borne by beer, as may be seen from a single example in point, to wit: The State of New York, where out of a total of over \$11,000,000 derived from the traffic the beer interests paid about \$7,000,000. In the present condition of the market the brewer would be compelled to raise the price of his product, and the dealer, on his part, in order to make up the difference, would have to reduce the size of his measures.
8. Because neither from an economic nor from an ethical point of view does it appear justifiable to increase the war tax on beer while native wines are totally exempt from taxation.
9. Because as a revenue measure the increase is based on erroneous premises, for while it is true that under the present system, which imparted to the industry an exceedingly valuable element of stability, the production has steadily increased, it is more than probable that the increased tax will produce a decline in the business.
10. Because the increase would be a most potent incentive to

the formation of trusts, and would most assuredly drive out of the business a large proportion of the smaller brewers. The significance of this will be appreciated if you state the undeniable fact that one-half of the beer produced in this country is manufactured by about 100 large brewers, while the other half is made in about 1,800 smaller establishments.

11. Because, although the tax may at first be borne by the brewers—to be used as a means of competition by the stronger trade rivals—it will in the end have to be paid by the consumer, in one way or another; and this we deem not only unjust, but extremely unwise from a temperance point of view, for beer, whatever fanatics may say to the contrary, has become and is to-day one of the necessities of life to a large part of our people, and as such has a strong tendency to enhance the well-being of the consumers and to modify drinking habits in the direction of true temperance.

12. Because the increase is calculated to place a double burden upon the consumer, inasmuch as it is imposed in order to offset a loss of revenue, which would inevitably be caused by the proposed prohibitive duties on other articles of daily consumption, the price of which would thus necessarily be enhanced, to the great disadvantage of the consumer and for the benefit of certain domestic industries.

13. Because, instead of creating a "minimum of industrial disturbance"—a consideration which is urged by one of the foremost advocates of the increase as a paramount requirement of any change in the tax system—the increase will most assuredly unsettle and injuriously affect the brewing industry.

14. That the tax is continued although the war which made its imposition possible and which formed the only excuse for levying it is over, and that it has been continued beyond the needs of the Government, as an overflowing Treasury proves, and should be repealed.

These reasons, to my mind, conclusively show that this additional war tax is oppressive, burdensome, and unnecessary, and should be repealed now. Last year the brewing industry was taxed and paid into the Treasury about \$75,000,000. There are about 40,000,000 barrels of beer manufactured a year, and if we return to the tax of \$1 a barrel existing prior to the Spanish-American war, the industry now being discussed will pay an annual revenue of about \$40,000,000—more in proportion, I believe, than any other industry in the country.

Now, sir, I contend that we do not need this additional war tax. In fact all these Spanish-American war-revenue taxes should be repealed; and if by chance there should be a deficiency in the revenues it is the duty incumbent on the party charged with the responsibility of legislation—charged with the responsibility of raising revenue for the economical administration of the affairs of the Government—to raise it fairly and justly and honestly, without favor to one industry as against another. I am in favor of an income tax. That is a just tax—fair to all—and makes wealth pay its just share of the burdens of government.

If you say that the United States Supreme Court has held an income tax unconstitutional, then I am in favor of a graduated inheritance tax and a graduated corporation tax on the stock and dividends of the great industrial combinations of the land. That will be a tax that can not be evaded; and it is conceded that it will be a fair and a just tax. It is a tax on the idle and the accumulated wealth of the country, which now practically escapes all taxation. [Applause.]

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. SULZER. I hope I may be allowed a few moments more.

Mr. RICHARDSON of Tennessee. I should be glad to accommodate the gentleman if I had the remaining time under my control; but I have promised it all away.

Mr. SULZER. Then, Mr. Chairman, I ask unanimous consent to print in the RECORD, as part of my remarks, some data in regard to this question of the additional tax on beer.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. SULZER. Mr. Chairman, in this connection I desire to insert in the RECORD the following succinct statements of Mr. Rudolf Brand, the president of the United States Brewers' Association, of Chicago, Ill., and also of Mr. Adolphus Busch, of St. Louis, Mo., printed in the Washington Post to-day:

BREWERS ASK RELIEF—WAR TAX ON BEER HAS CRIPPLED A GREAT INDUSTRY—APPEAL FOR FAIR TREATMENT—THEY INSIST THAT THE EMERGENCY NO LONGER EXISTS TO WARRANT THE FURTHER IMPOSING OF A HARD-SHIP UPON THEM—TAX LEVIED ON ACCOUNT OF THE CIVIL WAR WHICH HAS NEVER BEEN REMOVED—CONGRESS IS URGED TO GRANT SIMPLE JUSTICE.

The president of the United States Brewers' Association, Mr. Rudolf Brand, of Chicago, Ill., in an interview with a Post reporter last night, said: "In conjunction with my associates here in Washington, representing the brewing industry throughout the United States, I can only express surprise and disappointment at the conclusion arrived at by the Ways and Means Committee in their report to Congress, in which they recommend such a slight reduction of the tax on beer, while the majority of the other industries taxed under the war measure have received the committee's recom-

mendation for the total elimination of the taxes imposed upon them by the Spanish war.

PRESIDENT MCKINLEY'S MESSAGE.

"We very naturally deducted from President McKinley's message to Congress, in which he said relative to war taxes: 'I recommend that the Congress at its present session reduce the internal-revenue taxes imposed to meet the expenses in the war with Spain in the sum of \$30,000,000. This reduction should be secured by the remission of those taxes which experience has shown to be the most burdensome to the industries of the people,' that the brewing industry, which has suffered more than any other industry, would be the first to be relieved, and we based our claims upon the actual figures we presented to the Ways and Means Committee, demonstrating conclusively the losses we have sustained under the grinding oppressive double war tax of \$2 per barrel, or 40 per cent of the entire market value of our product.

"Again I call attention to the following extracts from our previous letter to the Ways and Means Committee:

CIVIL WAR TAXES NEVER REMOVED.

"This is only one side of the question, but it is the one which shows the pernicious effects of a most unjust tax in the most glaring light, and appeals to other sentiments besides that of justice in the abstract. In our opinion, it should not, however, require such appeals in order to bring about the immediate repeal of the entire extra war tax, superimposed upon the old war tax. There was no equitable justification for it at the time of its imposition, because the brewing industry had up to that time uninterruptedly paid the old war tax of \$1 per barrel, while all other manufactures, products, professions, and occupations embraced in the original revenue system as organized between the years 1861-1864, have not paid a single dollar into the Federal Treasury since the termination of the civil war, and do not now contribute one penny toward the Federal revenue.

"Is it unfair or unpatriotic to ask why one American industry, consuming almost exclusively those highly protected American products which are a source of wealth to the American farmer, should pay a double war tax amounting to 40 per cent of the market value of its product, while all other American industries remain untaxed? It will not be deemed to be presumptuous, we trust, if we ask what justification there was for imposing, or what good reason there was for continuing, a tax of \$2 upon a barrel of beer costing \$5, in the face of the fact that at a time (thirty-five years ago) when the market price of beer was \$12, a Republican Administration and a Republican Congress asserted and maintained that a tax of \$1 was fully up to the revenue standard and should not be increased." (See report of the Special Revenue Commission for 1865-66, p. 27.)

"We maintain that common justice imperatively demands the immediate repeal of the additional war tax upon malt liquors. In the entire war-revenue act of 1898 there is not a single tax item, excepting our own, that is unjust or inequitable in itself; none, excepting the beer tax, that has caused, or is likely to cause, widespread industrial ruin; none, again with the same exception, that must be borne by a comparatively small number of citizens for the exclusive benefit of all those numerous and immensely wealthy industries which, while protected by wise tariff laws, contribute not a single dollar to the internal revenue, and, finally, none that must ultimately affect such large masses of the poorer people.

"The most striking evidence of the correctness of our contention as to the inequality and injustice of the present tax rate lies in the fact that in 1866, when the receipts from internal revenue reached the highest point, viz., \$310,906,984, the three revenue items which have remained in force (at reduced rates as to spirits) since the civil war, only yielded \$50,129,877, of which the sum of \$5,115,140 was derived from malt liquors, then selling at \$12 per barrel. The remainder, amounting to \$250,777,107, came from sources of revenue, the greater portion of which are not mentioned in the act which imposed upon our product an additional war tax of \$1."

FAILURES DURING 1899 AND 1900.

"We have shown," continued Mr. Brand, "that during the fiscal year ended June 30, 1900, no less than 36 previously successful breweries have failed, gone out of business altogether, their failure directly attributable to the double war tax. These figures can be easily verified by the records of the department of internal revenue. In addition to the actual failures, very many of our best establishments have been forced to combine in order to avoid failure, and many more will be forced to follow in their footsteps unless we have immediate relief.

BREWERS NOT EXACTING.

"We are not exacting. On the contrary, the brewers are extremely patriotic, the fact of our bearing the original war tax of \$1 per barrel, or 20 per cent of the market value of our product, for thirty-seven years without reduction, proves that. The further fact of our uncomplainingly accepting the double war tax of \$2 per barrel, or 40 per cent of our product since 1898, to provide revenue to conduct our war with Spain, intensifies our claim of patriotism, but now that war is over, and we cry aloud for relief from a burden that is crushing our industry and sapping our very life.

FAITH IN CONGRESS.

"We have faith in Congress. We believe that the justice—simply the common justice—of our claims will not appeal to Congress in vain. We only ask for fair treatment and a chance to live in times of peace. In times of war or any other distress that our country may suffer from, the Government will always find us ready, if necessary, to make any sacrifice called upon."

STATEMENT FROM MR. BUSCH.

Mr. Adolphus Busch, the president of the Anheuser-Busch Brewing Association, of St. Louis, Mo., has only recently arrived from Europe. Before leaving for home last night, Mr. Busch talked at length on the situation.

"I should have remained in Europe another month," said Mr. Busch, "had it not been for my interest in the repealing of the double war tax now being levied by the Government on our industry.

"Its enactment has proven a terrible hardship, and its continuance means general disaster to the brewing interests.

"The original tax of \$1 a barrel was in itself a war tax, imposed in 1861, and continued without any reduction up to the declaration of hostilities with Spain, when it was increased to \$2 per barrel, just double the original tax, which means precisely 40 per cent of the general market price of beer.

"When the original war tax of \$1 a barrel was inaugurated, thirty-nine years ago, beer was being sold for \$18 per barrel. To-day beer is being sold at an average of \$5 per barrel, and we pay \$2 per barrel to the Government.

"As a direct result of this excessively unfair burden of taxation, the production of beer decreased 1,000,000 barrels during the year 1899, a year of unprecedented and marvelous prosperity, and within the past seven months seventeen combinations have been made, consisting each of from three to twelve formerly prosperous breweries, forced to thus combine in order to save themselves from bankruptcy through this distressing and oppressive double war tax. More are likely to follow, or suspend business altogether, unless immediate relief is afforded.

"During the past year the production of beer has materially increased, but what good does it do the brewer? None! A few—very few—have had a

trifling profit, but the majority have either realized no profit at all or else continued business at a distinct loss, hoping and praying for the repeal of this grinding double war tax.

"Take my own brewery, for instance. We brewed a million barrels of beer this year, an increase of 100,000 since 1899, but with what profits? Merely nominal. Why? Because we have to keep the quality of beer up to the standard established by us and pay the Government \$2 per barrel on each barrel brewed. This leaves the balance, \$3 per barrel, to pay for hops, malt, barley, brewing, horses, feed, wagons, brewers, help, drivers, deliveries, expressage, coal, ice, invested capital—in fact, everything—depreciation, losses, and wear and tear.

"There is no chance for the brewers unless this double tax is reduced to \$1 per barrel. The present tax is a terrible burden, more than we can bear, and is crushing our business life out. We must have relief in order to exist. We are now paying to the Government \$78,000,000 yearly, or about one-fourth of the entire revenue collected by the Government.

"The brewing industry is an American establishment, one of the greatest of all industries. Beer is the poor man's drink and a national beverage. It is by far the greatest of all temperance promoters. We give employment directly to over 900,000 men, and indirectly, through the farmers who grow the hops, malt, and cereals; the lumbermen, maltsters, coopers, blacksmiths, iron workers, builders, railroads, shipping, and general trades, to nearly 3,000,000 men.

"Our invested capital is \$650,000,000. During the Senatorial investigation of last year 400 samples of American beer, ales, and porter were purchased in the open market, and under the analysis of the chemists of the Government, who analyzed these samples, only two samples of American beer, ales, and porter were found to contain preservatives or adulterants, as against the wholesale preservatives and adulterations found in imported beers, ales, and porter.

"American beers are the best in the world. Such an industry should be helped and not crushed as it is crushed.

"The brewers are patriotic. We are faithful citizens, willing to uphold the Government and to pay a tax of \$1 per barrel, or about 20 per cent on the market price of our product, which would amount to about from \$38,000,000 to \$40,000,000 a year. No industry can stand more than that percentage of taxation and exist. We have tried it for three years and know. But now the war with Spain is over, and we who have stood this double tax so uncomplainingly and patriotically from out of our distresses pray and hope for relief. The Government is getting all the profits now, and has been for three years. It is but fair, just, and equitable that we have a fair earning on our product, of which we are now deprived.

"We are here to petition Congress and the Senate for relief, and hope for a successful consummation of our efforts."

Also the following from the able pen of Col. Louis Schade, the veteran editor of the Washington Sentinel, probably the oldest and most influential Democratic paper sent to Congress, who makes the following able argument against the war tax in the last issue of his paper:

Taxes collected beyond the needs of the Government are unnecessary, and unnecessary taxation is unjust. Brewers point to the fact that receipts for this year are \$80,000,000 in excess of appropriations, and they were assured that when this condition was reached their industry would be relieved of its onerous burdens. Their case should receive first attention, because the old tax was in itself a war tax, and thus they are paying not merely a war tax, but a double war tax.

Brewers invite attention to the fact that of the \$210,000,000 collected under the war-revenue bill, beer has paid \$75,000,000, or more than one-third of the whole. If any further argument were needed to show that their industry has borne more than its share of the expense entailed by the Spanish war, it is found in the fact that the present beer tax represents two-fifths of the average selling price of a barrel of beer. Appeals for reduction in behalf of other articles affected by this bill are based on the ground that the tax is annoying and burdensome. Their appeals would be entitled to consideration did they show anything approaching this presentation of the brewers' case.

What a howl would be raised if a bottle of patent medicine retailing for a dollar were taxed 40 cents, or a telegram costing 25 cents was assessed 10 cents, and other things in the same proportion. A moment's comparison should be sufficient to show any unprejudiced person that the levy on beer is annoying, is burdensome, is costly, is unjust, and, what is more important still, is throttling the industry, hampering its growth, and killing one of the best revenue-producing articles on the Government's tax list.

How long can a business subsist under such an impost? That this tax has been a millstone around its neck is proven by the decrease of 1,000,000 barrels in the consumption of beer during the past year, in the large number of suspensions in the same time, in the passing of dividends by the larger concerns engaged in the trade, and in many other ways.

In the hope that the cessation of war would bring relief in a short time, brewers made no attempt to collect the tax, or any part of it, from their customers. This was notably the case with the Washington brewers.

A continuation of the measure will make a change in this respect necessary. In all other cases the people have had to pay the tax. The people will have to pay this, too, before long. By people is meant the working classes. Is not the workingman taxed to the limit now? Of all business men, brewers alone have voluntarily undertaken to assume these charges. They have done so upon the strength of promises made them. When those promises are unfulfilled it is not in human nature to expect that they will continue to do so.

The Spanish war is over. The prolongation of the war tax, not for the object for which it was levied, but to provide means to carry out a ship-subsidy bill or to build the Nicaragua Canal, is a violation of the good faith of the Government. If Congress in its wisdom shall decree the passage of these measures, the first of which will entail an estimated expenditure of \$9,000,000 a year for thirty years and the second a gross cost of \$150,000,000, spread over a period of years, brewers will not object.

They ask, however, that the war tax shall be wiped out, as the occasion which called it into existence has disappeared. And then, if money is required for the defense of our new possessions, to extend trade, or to build up a merchant marine, which are all matters foreign to the Spanish war, let it be provided in new legislation, let there be a rearrangement of our sources of revenue, placing the cost equitably on all. It is unfair that revenues raised for war purposes should be continued after the war has ceased and used to furnish means to carry out projects not contemplated when the extraordinary levy was made. It is not merely unfair, it is dishonest. Brewers ask only for justice. Are they entitled to it?

Also the following letters, among others, from residents of my Congressional district:

NEW YORK, December 6, 1900.

MY DEAR CONGRESSMAN: I am very much interested in the bill now pending in Congress known as the war-tax bill, to the end that this tax be either abolished or else greatly reduced, I having paid in war taxes from

December 1, 1899, to December 1, 1900, \$850.50, which, in addition to my State license, makes a total tax of \$1,600.

I find that if this tax continues upon me for the next year I will be driven out of my present business and will be forced to support my wife and family at whatever business I can get for a day's pay.

I hope and urge that you will exert all your energies and influence to the end that the present war taxes be abolished, or so reduced that men in my business will be able to make a living.

I am, sir, very respectfully,

FRED. SCHWIEFERT,
91 Avenue D, New York City, Manhattan.

HON. WILLIAM SULZER,
Congressman Eleventh Congressional District, New York City.

NEW YORK, December 11, 1900.

DEAR SIR: I, the undersigned, as a constituent of the Congressional district represented by you, respectfully request you to kindly use all of your influence toward having the so-called beer war tax reduced.

The reason that I petition you in this matter is that as far as we, the citizens of the United States, are aware there is no war existing at the present time, and it seems rather unjust that the so-called war tax should be maintained.

Furthermore, the expense thrown upon the dealers is extremely heavy; in fact, practically deprives me of making a living under the existing circumstances.

Trusting that you will do all you possibly can to have this tax repealed, I remain, respectfully, yours,

CARL KIRSHMANN.

HON. WILLIAM SULZER,
Member of United States Congress, Washington, D. C.

NEW YORK, December 11, 1900.

MY DEAR SIR: The writer, having been a resident for over thirty years in this district, and doing business at No. 520 Sixth street, asks one favor from your honor, and that is that you use all your power to abolish the war tax on beer. By doing this you will bestow upon me one great favor, and in the future if I can at any time return such favor, why, I shall only be too glad to return same.

Hoping and trusting that you will do all in your power to abolish that war tax.

I remain, very truly,

PETER KAEMPF,
520 Sixth Street, New York City.

HON. WILLIAM SULZER.

NEW YORK, December 11, 1900.

DEAR SIR: Am one of your constituents. I ask you to use your endeavors to have the tax on beer reduced as low as possible. The war is over, and I think the present rate is exorbitant. Thanking you for any trouble you may take in the matter, I remain,

Respectfully, yours,

JOE FÜGER.

HON. WILLIAM SULZER.

NEW YORK, December 12, 1900.

DEAR SIR: I write you to enlist your distinguished efforts in a cause which is of vital interest to myself and to the rest of your constituents, and that is the removal of the war tax on beer. I am a saloon keeper, and had at the time this tax was levied a small business, which in a very modest way supplied the needs of myself and family. The levy of this tax has now deprived me of the little I had, and with all others in my position are being slowly but surely being driven to the wall.

Beer as a commodity has been made the target for unjust taxation, both Federal and State, until now the retailer finds it taxed 100 per cent. The predominant party has always found a safe avenue for revenue by adding another burden to the back of the liquor dealer, and this last tax is to the small dealer the straw which will break his back.

A continuance of this tax either drives the honest man from business or forces him to those methods which have so besmirched the name of a legitimate business.

You are asked in the name of tax oppressed and for the sake of public morals to remove a burden so unjust, and which leaves a self-respecting man to choose between financial or moral ruin.

Your earnest effort and your vote are confidently asked for this purpose. Respectfully, yours,

FRITZ BOHNER,
27 First Avenue, New York.

HON. WILLIAM SULZER,
House of Representatives, Washington, D. C.

324 EAST ELEVENTH STREET, NEW YORK CITY,
December 15, 1900.

MY DEAR SIR: I wish to inform you that nearly all of the saloonkeepers, including myself, of your district desire you to put before House this bill to drop the war tax on liquors, as the war is over and we do not wish to pay any more war tax.

When you recall that there are many poor people in your district, I am sure that you will endeavor to furnish your valuable services. I am a leading Italian citizen in your district, and they have requested me to ask you to put this bill through.

Wishing you success in passing same, and thanking you for your past favor, with highest respects, I am,

Yours, truly,

FRANK SETARO.

HON. WILLIAM SULZER, M. C.,
House of Representatives, Washington, D. C.

Mr. RICHARDSON of Tennessee. I yield the remainder of my time to my colleague [Mr. GAINES]. We have, I think, ten minutes. The CHAIRMAN. There are ten minutes remaining on that side.

[Mr. GAINES addressed the committee. See Appendix.]

Mr. DALZELL. Mr. Chairman, in the beginning of the year 1898 the nation found itself entering upon a foreign war. It was not a war of defense, nor yet a war of conquest, but a war voluntarily assumed in the cause of humanity. Centuries of Spanish misrule in Cuba had aroused the indignation of the American

people. Outrages continued and that promised to be continued against the unhappy inhabitants of that neighboring isle had at last exhausted all patience and resulted in a demand for their immediate cessation.

The tragic fate of our splendid battle ship, the *Maine*, and her brave crew, sunken while on a friendly visit in the harbor of Havana, had lighted such a flame of resentment in the popular heart that diplomacy ceased to have any office and was followed by a hot and hasty call to arms. War was declared, armies were organized, battle ships and cruisers assembled in answer to the people's call. It was essentially and characteristically a people's war, in which party lines were obliterated, sectional strife buried, and common cause made against a common foe.

Under these circumstances there devolved upon the representatives of the people the duty of providing the sinews of war; for war is costly, not only of life and blood but of treasure, and the equipment of a peace establishment is wholly unfitted to deal with the problems that war presents. It was not because of any weakness in our then existing revenue system that legislation was demanded in order to meet war expenditures. The Federal Treasury was then, owing to Republican legislation and Republican administration, in a healthy condition. It was fully equipped to meet all the demands, current and future, that might be made upon it under normal conditions.

During the preceding Administration, which was Democratic, the country had experienced an era of extraordinary commercial and industrial depression. That state of things the Democratic party ascribed to the refusal upon the part of Congress to depreciate our currency and to engage in the wild attempt to create values by law. The Republican party, on the other hand, ascribed it to the operation of a tariff system that provided neither revenues for the Treasury nor protection for our capital and our labor.

Pursuant to their theory, immediately upon their accession to power they wrote upon the statute book a new tariff law, drawn along Republican lines, looking toward the protection of the people's Treasury and the protection of the people's industries. That law was enacted in 1897 and was known by the name of its now lamented author, as the Dingley law.

For many months prior to its enactment, in anticipation thereof and for the purpose of escaping the duties that would be imposed thereby, large importations were made. The effect of these importations was to postpone the effective operation of the law until these importations should have been exhausted.

In the month of January, 1898, a surplus came into view. In February there was an actual surplus of \$2,000,000. In March there were large war expenditures, but, deducting these, there was a surplus for that month almost equal to that of the preceding month, so that in the absence of war, upon the basis of a peace establishment, no one doubted that from that time forward the Treasury would be able to meet all legitimate demands that could be made upon it; and so results have proved.

But, Mr. Chairman, the Dingley law was made for peace and not for war; hence the necessity arose for the passage of new revenue legislation to meet the emergency. It is proper to say just here, in passing, that all things then combined to lighten the anticipated burdens of such legislation. Under the stimulus of a wise protective tariff industry had revived, capital had forsaken its hiding places, manufactures flourished, wages were increased, our foreign trade was assuming tremendous proportions, and we had entered upon a career of unbounded prosperity.

I do not mean to say, Mr. Chairman, that these fortunate circumstances were at all essential to reconcile the people to accept the burdens of war taxation. They would have been willingly assumed under any circumstances by a patriotic people who have always held their national honor as cheaply bought at any expense, however great, whether of money or of blood.

Pursuant to the duty that devolved upon it, Congress passed a war-revenue law, the law of June 13, 1898, in the modification of which we are now engaged.

That law was regarded by common consent as an emergency law. It was not the intention upon the part of anyone that it should remain permanently upon the statute books. But its operation was not limited as to time. That was to depend upon the life of the emergency, and it was not anticipated that it would necessarily cease to operate upon the termination of hostilities. It was intended to cover the expenses of the war and its consequences, so that the ordinary revenues might be left free to meet the ordinary demands.

In reporting that law to the House the then chairman of the Committee on Ways and Means used this language:

While all of these additional taxes are war taxes, which would be naturally repealed or modified when the necessities of war and the payment of war expenses have ceased, yet it is impossible now to place a limit on them, not only for the reason that no one can intelligently forecast the length of the war, but also for the reason that war always brings a train of extraordinary expenditures which do not terminate with the close of actual hostilities.

This law thus reported provided for the raising of money in the only two ways that it could be raised—by taxation and by bor-

rowing—the one, if need be, to supplement the other. By its terms it imposed duties upon articles of voluntary consumption, or on articles or objects that would make such taxation fall mainly upon persons able to contribute to the national defense. It was expected that it would realize from \$100,000,000 to \$150,000,000 a year. It was modeled in part upon the internal-revenue legislation of the civil war, and was capable of administration by the existing machinery of the revenue department. That law has vindicated the wisdom and the foresight of its authors. I have here in my hand a statement showing the receipts from the war-revenue act from June 13, 1898, to June 30, 1900, furnished by the Commissioner of Internal Revenue. It is as follows:

	Receipts from June 13 to July 1, 1898.	Receipts during the fiscal year 1899.	Receipts during the fiscal year 1900.	Total.
Schedule A.....	\$724,073.94	\$38,618,081.20	\$36,416,082.11	\$75,758,237.25
Schedule B.....	70,343.66	5,219,737.46	4,548,283.19	9,838,364.31
Beer.....	2,023,747.66	31,083,138.38	33,431,221.65	66,548,107.69
Special taxes.....	46,973.00	5,370,941.80	4,844,743.97	10,262,658.77
Tobacco.....	367,639.64	14,226,994.63	16,738,822.13	31,333,256.40
Snuff.....	18,361.03	875,898.72	895,045.07	1,789,304.82
Cigars.....	110,268.16	2,717,851.34	3,189,764.14	6,017,883.64
Cigarettes.....	39,090.29	1,402,828.18	1,320,394.72	2,762,313.19
Legacies.....		1,235,435.25	2,884,491.55	4,119,926.80
Excise tax.....		643,446.41	1,079,405.14	1,722,851.55
Mixed flour.....		7,840.62	7,439.46	15,280.08
Additional taxes on tobacco and beer.....	9,945.13	947,424.37	18,734.82	976,104.32
Total.....	3,410,442.51	102,359,618.36	105,374,227.95	211,144,288.82

It will be observed that from the time of its passage until June 30, 1900, it has raised the sum of over \$211,000,000. But, while I give credit to the law for its efficiency, I ought to say in passing that never during all its lifetime, unless possibly within the last few months, has it produced sufficient revenue to meet all war expenses. Even with this law upon the statute books it has been necessary from time to time to ask relief from the revenues collected under the provisions of the Dingley law.

But the time has now arrived when the emergency to meet which this law was enacted has ceased in part, though not altogether, to exist, and when it becomes proper, therefore, that there should be some modification of its terms. It can not now be repealed as a whole, because the train of extraordinary expenditures which do not terminate with the close of actual hostilities still exists and must be provided for. Two questions present themselves for answer. First, how much revenue can be spared; and, second, what subjects can be exempted in whole or in part from taxation.

Now it will be conceded by every fair-minded man that the determination of these questions furnishes a nice and a difficult task. It will be conceded also, I think, that no committee of this House is clothed with such an unerring judgment as to be able to report a bill that would satisfy everybody. The interests involved are varied and multiplied. In the hearings that were had before the Ways and Means Committee each particular interest insisted that it was the most grievously and most unjustly burdened and was entitled to the first relief.

It goes without saying, therefore, that your committee could not satisfy all. All that your committee can claim, and all that it does claim, is that it has given to this subject serious and conscientious consideration, has endeavored to do justice to all as it was given to it to see justice, and that it believes now, after all the discussion that has been had, that the bill reported is the best bill that could have been reported, and that it ought to be adopted by this House.

Now, as to the first question, How much revenue can we spare? As to this, up to a certain point, we all agree. We all agree that we can not repeal the law. We all agree that we can not remove all the taxes. At that point, however, we part company. The minority of the Ways and Means Committee say reduce taxation \$70,000,000. Some other party says \$60,000,000. Another party says \$50,000,000. Your committee has reported in favor of \$40,000,000, although their first judgment was that taxation ought not to be reduced to exceed \$30,000,000.

All these various figures are determined from the standpoint, not of public, but of personal interest. Each man wants to save his own particular industry. One man says, "Do not remove the taxes or stamp duties from checks. They do nobody any harm. They are easily collected, and they result in a large revenue." Another man says, "Take them off. They are exceedingly vexatious. They result in multiplied losses, great and small. Let them be removed." One man says, "Remove the tax from bank capital and surplus. It is an unjust discrimination." Another says, "Let it remain. The banks are not suffering. They have not cut their dividends. They are able to and ought to be made to pay."

One man says, Take the duty off from transactions on the stock exchange; it is unjust to segregate them and treat them unlike

other similar transactions." His neighbor says: "Why, it would not be safe to go to the country with a bill exempting from taxation 'puts' and 'calls' and imaginary sales and the gambling in Wall street and elsewhere." So it goes, and so arises the differences of opinion as to how much there ought to be of tax reduction.

Now, in this diversity of opinion, in this confusion worse confounded of reasoning, is there no arbiter to whom we can go and upon whose judgment we can rely for a safe decision? I answer yes; there is. Under our system the financial administration of the Government is intrusted to the Secretary of the Treasury, and the law imposes upon him the duty of furnishing information to Congress. Under our system the Constitution provides that the President "shall from time to time give to Congress information as to the state of the Union, and recommend to their consideration such measures as he shall judge necessary and expedient."

I am not arguing that the opinion of either the President or of the Secretary of the Treasury is not subject to review by Congress, or that they ought not in proper cases to be set aside. I am simply arguing that in the multiplicity and diversity of opinions upon a question of finance in this House of 357 members, none of whom is charged with special financial responsibility, knowledge, or experience, it would be the part of wisdom to hearken to the views of these public officers, upon whom responsibility does rest and who are eminently fitted by their experience and environment to arrive at a right judgment.

The Secretary of the Treasury is a financier of lifelong experience. Amongst financiers he is regarded as an authority. In character, in good judgment, in the successful administration of his Department, he will be rated as the peer of any of his great predecessors. The wisdom and patriotism of the President of the United States, his lengthy experience in public life, the responsibility of his great office—all these combine to render his conclusions worthy of commanding respect. Now, what do these gentlemen say officially as to the reduction of taxation?

The Secretary of the Treasury, in the first place, points out the uncertainty, from time to time, of receipts and disbursements. He says:

The Treasurer calls attention to the marked irregularity in the receipts and expenditures, pointing out that while in July, 1899, there was a deficiency of \$8,506,832.23, in June, 1900, a surplus of \$17,895,158.86 was realized. The greatest difference between income and outgo on any one day was \$4,047,393.05 in favor of the Treasury. The corresponding maximum deficiency was \$2,318,621.42. In the face of such wide fluctuations the necessity for ample available reserves is apparent.

Then, having in mind these uncertainties and the responsibility of his position, he makes a recommendation with respect to the reduction of war revenues. He says:

From the estimates of receipts and expenditures for the fiscal year 1902 there promises to be an excess of receipts to the amount of \$26,000,000. It is hardly necessary to point out that estimates are at best approximate. Exigencies in the public service which can not be anticipated may require expenditures not contemplated. Congressional appropriations, extraordinary in character, or failures to realize fully estimated revenues, are also influences which may operate seriously to derange all advance calculations. A conservative margin should, therefore, be reserved in forecasting definite results based on hypothetical calculations.

An annual excess in receipts over expenditures is the best indorsement of the national credit, while a deficit is a depressing factor in public finance. It has been our wise policy in the past to reduce the public debt in time of peace, and to this good policy may be attributed, to a high degree, the low rates of interest, hitherto unprecedented, which now attach to our Government debt obligations. It is true that for a period of six years, from 1894 to 1899, inclusive, annual deficits appeared; but it may be hoped that this was a temporary interruption to a history of twenty-eight years, when each year showed annual expenditures less than annual revenues.

The operation of the act of February 25, 1892, providing for a sinking fund, contemplates the payment or purchase and cancellation of substantially \$50,000,000 annually of our interest-bearing debt obligations. Owing to the unfavorable conditions in the Treasury during the six years just referred to, the sinking fund was entirely neglected.

In the absence of any expression to the contrary, it may be safely assumed that it is the desire of Congress to observe faithfully the general requirements of the sinking-fund act, and to provide revenue sufficient to meet the charges thus imposed upon the Government. The present and prospective easy condition of the Treasury justifies the belief that the sinking-fund requirement can be met, both for the current fiscal year and for the next fiscal year, and still permit a moderate reduction in taxes imposed by the war-revenue act. A reduction to the amount of \$30,000,000 is therefore recommended to the consideration of the present Congress.

And the President of the United States, in his message to Congress, says:

I recommend that the Congress at its present session reduce the internal-revenue taxes imposed to meet the expenses of the war with Spain in the sum of \$30,000,000. This reduction should be secured by the remission of those taxes which experience has shown to be the most burdensome to the industries of the people.

It appears, therefore, that the Secretary of the Treasury and the President of the United States, both speaking under official responsibility and after a thorough examination of the subject, have determined that tax reduction ought to be had to the amount of \$30,000,000 only.

But gentlemen say, "The Secretary has given us the figures for 1900, 1901, and 1902, and we are unable to see how he arrives at a surplus of only \$26,000,000 in 1902;" and therefore he must be wrong. Well, if his figures are wrong, it must be either because

for some undisclosed purpose of his own he is seeking to deceive the Congress or because he is incompetent to arrive at a correct conclusion.

I assume that no man on this floor will assert the truth of either of these propositions. Every presumption is in favor of the honesty of the Secretary, of his competency, and of the correctness of his figures. It is because gentlemen make wrong assumptions and pursue wrong methods that they and the Secretary do not agree. For example, one gentleman takes the surplus of 1900, \$80,000,000, and that of 1901, \$80,000,000; he then figures out a surplus of \$126,000,000 for 1902; adds these all together and makes a surplus for 1902 of \$286,000,000.

But the fallacy of his position lies in the fact that surpluses are not carried from year to year, but disposed of as they arise. To do otherwise would be poor financiering, and not in accordance with Republican policy. What the net balance in the Treasury may be at any time is not gauged by the surplus. For example, the net balance in the Treasury on the 5th day of March, 1897, when the Republican party became responsible for the administration of the Government, was \$212,000,000, less gold reserve, \$100,000,000, leaving the net cash in the Treasury \$112,000,000. On yesterday, according to the daily report issued by the Department, the net cash in the Treasury was \$138,000,000, or only \$26,000,000 more than on March 5, 1897, notwithstanding the accruing in the meantime of several surpluses.

It would be easy to trace the disposition of the surplus had we the books of the Treasury and the requisite time. A glance at the last report of the Secretary of the Treasury will furnish some suggestions in this direction. For instance, since the passage of the currency law of last March \$50,000,000 has been transferred to the reserve fund to make the \$150,000,000 prescribed by the law. And I have here a statement, furnished by the Secretary of the Treasury, which shows how much he has spent in the purchase and redemption of the interest-bearing debt, including redemption of bonds issued to the Pacific railroads, since March 4, 1897.

I will not stop to go into the figures. Suffice it to say that of the 4 per cent loan of 1907, the 5 per cent loan of 1904, the funded loan of 1891, and the Pacific Railroad bonds redeemed we have an expenditure amounting to \$86,716,562. And when you add to that the premiums paid in the exchange of bonds under the act of March 14, 1900, thus reducing the principal of the outstanding bonded indebtedness \$36,000,000 and more, you have a total expended by the Secretary since the 4th day of March, 1897, of \$122,826,083. I insert here the statement in detail:

Statement showing the purchases and redemptions of the interest-bearing debt, including redemptions of bonds issued to Pacific railroads, since March 4, 1897.

Four per cent loan of 1907, purchased.....	\$14,310,350
Five per cent loan of 1904, purchased.....	4,990,300
Funded loan of 1891, redeemed.....	23,410,400
	42,711,050
Pacific railroad bonds, redeemed.....	44,005,512
Total.....	86,716,562
Premiums paid in the exchange of bonds under the act of March 14, 1900, thus reducing the principal of the outstanding bonded indebtedness.....	36,109,521
Total.....	122,826,083

*And I insert also another statement showing the saving to the Government in refunding to November 30, 1900, inclusive.

Issue.	Amount refunded.	Saving in interest.	Premium paid.	Net saving.
Threes of 1908.....	\$82,091,700	\$6,767,545	\$4,621,027	\$2,146,518
Fours of 1907.....	219,779,950	31,456,930	25,355,089	6,101,841
Fives of 1904.....	63,072,100	6,968,212	6,130,405	857,807
Total.....	364,943,750	45,212,687	36,106,521	9,106,166

In brief, then, the surpluses of preceding years must be eliminated from our calculation of the Treasury resources of 1902. Some of such surpluses may be carried into that year, but they may not be. This uncertainty eliminates them, therefore, necessarily, as a basis of and a factor in permanent legislation.

Again, take the basis on which the minority of the committee dispute the Secretary's conclusions. They say that the Secretary calculates upon an addition to the revenues of 1902 to the extent of \$25,000,000, and that this must be taken into account. But this \$25,000,000 is the customary advance expected to be realized year by year from the growth of the country. The same causes that produce this add to the expenditures, and so the one, as a matter of experience, offsets the other, and both must be eliminated from calculation.

But they say "The surplus of 1901 amounts to \$80,000,000; the expenditures of 1902 will be the same as the expenditures of 1901, and therefore the surplus of \$80,000,000 ought to be added to the Secretary's surplus of \$26,000,000, making a surplus of \$106,000,000." But there are two apparent fallacies in that argument. In

the first place, it is apparent that the expenditures for 1902 will be largely in excess of those of 1901. But in the next place, if the surplus is \$80,000,000, then the Secretary is wrong, and you can not add the \$80,000,000 to his \$26,000,000. The surplus will be only \$80,000,000, and deducting from that \$40,000,000 of taxes that we now take off, you will have remaining a surplus of only \$40,000,000. As this is exclusive of the sinking fund, the \$50,000,000 which under the law is due to it, you have, instead of a surplus of \$40,000,000, a deficit of \$10,000,000.

Now, this assault is made upon the Secretary's figures because they are based upon an assumption that Congress will appropriate the amount of the estimates; and it is said that Congress never does so appropriate. Conceding that to be true for the sake of argument, how much will Congress appropriate? Can anyone name the figures? Is not the final result an uncertainty and a piece of guesswork? And is it not better to have a surplus than a deficit—to realize money from taxation rather than from bonds?

But it by no means follows that if Congress fails to appropriate the amount of the estimates in the first instance it may not finally appropriate their amount, or even more, when deficiency appropriations are made. Regular and deficiency appropriations must be added together to get true results.

Nor does it follow that Congress will invariably appropriate less than the estimates. I have here a statement of estimates, appropriations, and expenditures, including postal service, for the fiscal years 1894 to 1902, inclusive, which I will publish with my remarks. This statement shows that in five out of eight years Congress appropriated more than was called for by the estimates.

But, Mr. Chairman, have gentlemen included in their estimates the extraordinary expenses which the Government must meet during 1902? Have they gauged the amount of a river and harbor bill; and if so, how much have they allowed for it? Have they included the expenses of armor plate, the resumption of work in the naval establishments of the country, the completion of the vessels already authorized, and the cost of others that are to be provided for? If so, how much do they allow for these items?

Have they allowed anything for the subsidy, so called, to our merchant marine, in case we pass the shipping bill? Has the possibility of a Pacific cable ever crossed their vision? Has the possibility of the Nicaragua Canal ever entered their minds as a factor of expense? Do they imagine that the year 1902 will pass into history without any provision for public buildings, so long neglected to be provided for by Congress? Have they taken into consideration, in these days of the happening of the unexpected, the various contingencies that may arise, not only from business changes at home, but from possible complications abroad?

Suppose, for example, that the contention of gentlemen on the other side of the House should prevail, and the Supreme Court of the United States should decide that the Constitution follows the flag—how much of unlawful duties have been collected in the United States and in the ports of Porto Rico? How much of illegitimate and unlawful duties have been collected in the ports of the Philippines from exports to them, and in the ports of the United States from imports from these islands? Will not all the unlawful duties have to be refunded from the Federal Treasury?

Mr. MOODY of Massachusetts. And the Hawaiian Islands as well.

Mr. DALZELL. And the Hawaiian Islands as well. What will the amount be? Where shall the money come from to answer these demands?

But, Mr. Chairman, aside from all that it is the policy—the Republican policy—to reduce the national debt and to maintain a strong and powerful Treasury. The latter is much more to us in the interests of peace than fleets and armies.

That nation commands most respect in the councils of the nations that has the most available monetary strength to meet any contingencies that may arise. The Army, the Navy, the Treasury—these are the arms of our defense, but the most potent of them all is the Treasury. Better \$100,000,000 in the vaults of the Treasury, at a cost of \$2,000,000 annually, than two regiments of soldiers, which will cost as much.

Have gentlemen taken into consideration as a possible cause of complications the fact that we have three hundred and forty-six millions of greenbacks, sixty-odd millions of Treasury notes, and nearly six hundred millions of silver, all to be maintained at a parity, with a gold reserve of only \$150,000,000?

I conclude, therefore, Mr. Chairman, and I do not mean to consume any more time on this proposition—I conclude that for the reasons stated, upon the figures furnished, from any and every point of view, the conclusion of the Secretary of the Treasury is unassailable, and that it would have been a wise policy on the part of the Committee on Ways and Means to have reported the bill reducing war taxation only to the extent of \$30,000,000.

But we have exceeded that sum. We have proposed a reduction in this bill of \$40,000,000. And why? We did it as a concession to members of this body. We did it as a concession to our

colleagues, who demanded further reductions in the interests of a certain particular industry in their various districts, and as it was a concession on our part I wish to say that in justice and fairness concessions are now due to us.

Let us go no further in reductions. Let us stop right here. Let us adopt the bill as reported by the Committee on Ways and Means and not put in peril the future of the Treasury of the United States.

Now, Mr. Chairman, I can not stop to dwell at any length in answer to the second question, What subjects may we exempt, in whole or in part, from taxation under the operations of this law?

On that question I could not if I would add anything to the clear and exhaustive treatment that the subject has already received from the honored chairman of our committee [Mr. PAYNE]. We have sought to remove the most vexatious taxes and those that imposed most heavily upon the individual citizen. We have sought to remove the taxes that most often remind him that he is a taxpayer. There is necessarily some difference of opinion amongst the members of this House as to certain particular items. I have already mentioned some—bank checks, bank capital, exchange sales—but I apprehend that they are not at all material and that they will not in the end influence a single vote upon the passage of this bill.

There is one subject, however, about which there seems to be some considerable feeling and views of an extreme character, and that is the subject of the reduction of the tax on beer.

Now, Mr. Chairman, when this bill was originally framed by the Committee on Ways and Means, as they understood that they were confined to a reduction of \$30,000,000, no exemption was provided for upon beer. They thought that that was a popular tax, a tax approved by the American people, a tax upon an industry that could well bear it, and therefore it was allowed to remain; but, as I said only a moment ago, the committee were induced to make concessions, and at the instance of our colleagues in this House we added to the tax reduction in the interest of the brewers \$10,000,000.

In my judgment that tax ought not to be reduced another dollar. In my judgment its reduction by a single dollar will render this bill unsatisfactory to and unpopular with the great masses of the American people. Furthermore, I have never yet heard a single good and sufficient reason given why the tax on beer should be further reduced.

What are the reasons? First, they say it is a double war tax. Well, it is nothing of the kind. They say because during the civil war a tax of \$1 a barrel was imposed on beer, therefore the tax imposed by the act of 1898 is a double war tax. But the tax imposed during the civil war has remained for thirty-five years and has become a peace tax by the unanimous judgment and approval of the people of the United States.

Is there a man living who assumes for a moment the possibility of our taking all the tax off beer? Why, beer is a legitimate subject of taxation in every country in the world where there is any beer, and the man does not live and the child is not yet born who will see this tax entirely removed by the Congress of the United States. So there is nothing in that reason.

Then, in the second place, they say that the tax has decreased production. I deny it. I submit from the books of the Commissioner of Internal Revenue the following:

Statement showing number of barrels of beer produced, number of barrels exported tax free, and number of barrels upon which tax was paid during each of the ten fiscal years beginning July 1, 1889, and ending June 30, 1900.

Year.	Produced.	Exported tax free.	Tax paid.
	Barrels.	Barrels.	Barrels.
1890.....	27,561,944		27,561,944
1891.....	30,497,209	19,017	30,478,192
1892.....	31,856,626	38,790	31,817,836
1893.....	34,591,179	36,862	34,554,317
1894.....	33,362,373	27,590	33,334,783
1895.....	33,589,784	28,373	33,561,411
1896.....	35,859,250	33,152	35,826,098
1897.....	34,462,822	39,728	34,423,094
1898.....	37,529,339	36,033	37,493,306
1899.....	36,697,634	116,520	36,581,114
1900.....	39,496,715	155,605	39,341,110

It is apparent from these figures that beer production has had its ups and downs, year in and year out, without regard to tax. It is further apparent that the production for 1900 was the largest in its history, showing an increase over the preceding year of 2,750,000 barrels. When you tell me that the brewers are operating at a loss and yet have increased their production so enormously, you make a draft on my credulity that must go to protest, for I certainly shall not honor it.

So, there is nothing in the second reason assigned.

Then, again, they say the beer tax is too high. Why, it is not to be compared with the tax on whisky. It is not to be compared with the tax on wines. The tax on whisky is \$34.10 per barrel. The tax on light wines amounts to \$2.48 a barrel, while the tax on beer under this bill is only \$1.60 a barrel. And so there is nothing in that reason. Whisky and wines and beers all belong in the same class of luxuries. Again, the brewers say they pay all the tax. No; they do not say that now. They did say that at the outstart, but it did not stand the test of cross-examination; and if I had the time I would read to you the testimony of the brewers themselves, taken before the Ways and Means Committee, which shows that the tax is distributed amongst the brewers, the dealers, and the consumers. And so there is nothing in that reason.

They say that this is a heavy tax upon the small brewers. But no small brewer has appeared before the Ways and Means Committee; no consumer of beer has been heard by that committee, either by delegation, in person, or by letter.

Mr. BARTHOLDT. Will the gentleman yield for a question?

The CHAIRMAN. Does the gentleman from Pennsylvania yield?

Mr. DALZELL. I do.

Mr. BARTHOLDT. Is it not true that the gentlemen who appeared before the Ways and Means Committee in behalf of the brewing industry practically represented 95 per cent of all the brewers in the country? And is it not true that among that 95 per cent are included nearly every small brewery in the country?

Mr. DALZELL. I have no doubt that all the small breweries that have been absorbed by the great breweries were represented upon that delegation; but the small brewers outside have made no complaint, and when these gentlemen attribute to this tax the absorption of these small breweries by large breweries my answer is that their absorption is only in response to a universal law—the law of industrial evolution, the law that applies to modern enterprises and centers in great combinations the capital necessary to carry on great modern enterprises.

Mr. BARTHOLDT. Will the gentleman permit me again to interrupt him?

Mr. DALZELL. Certainly.

Mr. BARTHOLDT. Will my friend from Pennsylvania kindly cite a single instance in which a small brewery has been absorbed by a large one?

Mr. DALZELL. I do not know anything about it except what those gentlemen said to us. Gentlemen who appeared before the Ways and Means Committee declared that the effect of this tax was to drive the small breweries into the grasp of the great breweries, and if the gentleman will read that testimony he will find that my declaration is exactly correct.

Now, I have not any more time; I have only a moment more left, and I must abandon this subject.

I am glad, Mr. Chairman, that in our patriotic endeavor to lessen the burdens of taxation upon our citizens the gentlemen upon the other side have announced that they will not oppose the passage of this bill. I am sorry that they can only give it half-hearted approval. In a general way dissenting from its provisions, they have offered no suggestions by way of its amendment. Asserting that there are interests unrelieved that ought to be relieved, they have failed to name a single interest.

If we may judge from their views as printed, they would take \$30,000,000—the difference between forty millions and seventy millions—off beer and tobacco. I am unwilling to believe that. I am loath to believe that there are not gentlemen on the other side of this Chamber who will join hands with us against any further reduction under this bill. They rail at the protective tariff, and they renew the well-worn but derided cry of trusts; and yet they can not be oblivious to the fact that it is due to the great protective system that we have at last become the masters of the markets of the world. [Applause.]

I do not believe that our friends upon the other side would willingly cripple a Republican Administration by reducing taxation to such an extent as to compel the issue of bonds in time of peace or the reimposition of taxes once removed. That ought not to be the policy of either party. We all agree, Republicans and Democrats alike, that provision ought to be made for governmental revenues adequate for governmental needs; and so far as this side of the Chamber is concerned, it believes in a gradual and progressive reduction of the national debt so as to escape large interest payments. It believes in the maintenance at all times of our national honor, the honor of our money, the honor of our flag, and will so adjust taxation from time to time as to impose the least possible burden upon the individual citizen, while it will at the same time so guard and protect the Federal Treasury that our splendid national credit shall continue to be, as it is, the wonder and admiration of the world. [Loud applause on the Republican side.]

APPENDIX.

Statement of estimates, appropriations, and expenditures, including postal service, fiscal years 1894 to 1902, inclusive.

Fiscal years ending June 30—	Estimates.*	Appropriations.			Expenditures.
		Annual.	Deficiency.	Total.	
1902.....	\$675,374,804	\$627,043,373	\$18,000,000	\$645,043,373	†\$607,773,254
1901.....	671,855,249	600,280,201	13,837,069	614,117,210	590,068,371
1900.....	627,006,490	506,194,136	49,950,006	556,144,142	706,704,341
1899.....	493,522,533	478,069,424	349,838,655	827,908,079	541,402,106
1898.....	456,946,047	453,934,977	10,403,451	464,338,428	459,851,402
1897.....	444,884,194	439,980,402	15,813,414	455,793,816	443,112,116
1896.....	440,082,486	445,155,579	9,674,463	454,830,042	443,374,850
1895.....	443,306,790	454,785,125	11,056,617	465,841,742	452,519,391
1894.....	450,261,335				

* Exclusive of sinking fund and redemption of national bank notes.

† Estimated.

TREASURY DEPARTMENT, December 14, 1900.

MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. HOPKINS having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PLATT, one of its clerks, announced that the Senate had passed without amendment the following resolution:

Resolved by the House of Representatives (the Senate concurring), That when the two Houses adjourn on Friday, December 21, they stand adjourned until 12 o'clock meridian, on Thursday, January 3, 1901.

The message also announced that the Senate had passed the following resolution; in which the concurrence of the House was requested:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he hereby is, directed to transmit to the present Congress a plan and estimate for the improvement of Burlington Bay, Two Harbors, in the State of Minnesota, based upon the examination and survey heretofore made of said bay.

WAR REVENUE—BEER.

The committee resumed its session.

The CHAIRMAN. The hour having arrived to close general debate, the Clerk will proceed with the reading of the bill.

The Clerk read as follows:

That section 1 of the act entitled "An act to provide ways and means to meet war expenditures, and for other purposes," approved June 13, 1898, is hereby amended so as to read as follows:

"That there shall be paid, in lieu of the tax of \$1 now imposed by law, a tax of \$2 on all beer, lager beer, ale, porter, and other similar fermented liquors, brewed or manufactured and sold, or stored in warehouse, or removed for consumption or sale, within the United States, by whatever name such liquors may be called, for every barrel containing not more than 31 gallons; and at a like rate for any other quantity or for the fractional parts of a barrel authorized and defined by law. And section 3339 of the Revised Statutes is hereby amended accordingly: *Provided*, That a discount of 20 per cent shall be allowed upon all sales by collectors to brewers of the stamps provided for the payment of said tax: *Provided further*, That the additional tax imposed in this section on all fermented liquors stored in warehouse to which a stamp had been affixed shall be assessed and collected in the manner now provided by law for the collection of taxes not paid by stamps."

Mr. PAYNE. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Strike out "\$2" in line 8, page 1, after the words "a tax of," and insert the following, "\$1.60;" also strike out in line 5, page 2, "*Provided*, That a discount of," and the lines following down to and including "said tax" in line 8; also strike out "further" in line 8.

Mr. PAYNE. Mr. Chairman, this amendment does not change the rate from the bill, but makes a flat tax of \$1.60 a barrel instead of \$2 with the 2 per cent discount.

Mr. RICHARDSON of Tennessee. Will the gentleman state that again? I did not quite hear the effect of the amendment.

Mr. PAYNE. It strikes out \$2 and inserts in lieu of it \$1.60.

Mr. RICHARDSON of Tennessee. Do you strike out lines 8, 9, 10, 11, and 12? Do you strike out the second proviso?

Mr. PAYNE. We leave the second proviso in, but we strike out the first proviso, "*Provided*, That a discount," etc.

Mr. RICHARDSON of Tennessee. Oh, that is all.

Mr. PAYNE. Now, Mr. Chairman, that is all I wish to say upon this point at this time; but I wish that we might have some agreement to limit debate upon this section, and I ask unanimous consent that all debate upon this section be limited to one hour.

Mr. RICHARDSON of Tennessee. Well, we can not agree to that now. Let us debate it for a few minutes, and then we may agree to it later; but we can not agree to it now.

Mr. PAYNE. Objection is made, and I will take the floor afterwards and move to limit debate.

Mr. NEWLANDS. Mr. Chairman, I move an amendment to the amendment suggested by the chairman of the Ways and Means Committee, by inserting \$1.20 in place of \$1.60.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Strike out "one dollar and sixty" and insert "one dollar and twenty," so as to read "\$1.20."

Mr. BARTHOLDT. I desire to offer a substitute for the amendment and the amendment to the amendment.

The Clerk read as follows:

Strike out, in line 8, page 1, after the word "of," the following: "Two dollars" and insert in lieu thereof "\$1.50," and in line 5, page 2, strike out, after the word "accordingly," the words "Provided, That a discount of 20 per cent shall be allowed upon all sales by collectors to brewers of the stamps provided for the payment of said tax."

Mr. PAYNE. Mr. Chairman, I shall have to raise a point of order against that.

The CHAIRMAN. What is the point of order?

Mr. PAYNE. This is an amendment in the third degree. It is not a substitute, but it is piling up a third amendment. It will be in order after the votes are taken on the other amendments.

Mr. SULZER. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The Chair thinks the point of order is well taken. This is simply a third amendment.

Mr. RICHARDSON of Tennessee. I understood the gentleman from Missouri to offer it as a substitute for the pending amendment.

Mr. PAYNE. It is an amendment, and it is not a substitute. It is an amendment to the section and not a substitute for the section. After the vote is taken on the amendment offered by the gentleman from Nevada this amendment is in order.

The CHAIRMAN. The Chair thinks this can not be made a substitute by simply calling it a substitute. It is simply a third amendment. The Chair sustains the point of order. The question is on the amendment to the amendment offered by the gentleman from Nevada.

Mr. NEWLANDS. Mr. Chairman, with reference to the amendment proposed by myself reducing the tax on beer to \$1.20 per barrel, I have this to say:

A tax of \$1 a barrel was imposed on beer during the civil war. That tax was never taken off. Under it beer pays to the Government of the United States \$40,000,000, outside of the tax added for the prosecution of the Spanish war. When the Spanish war was inaugurated the framers of the Dingley war-revenue bill concluded to put upon this article of consumption a double war tax.

They made the tax \$2 a barrel, but gave a rebate of 7½ per cent, which really made the total tax \$1.85 per barrel. Under this war tax \$33,000,000 more was raised during the last fiscal year, making a total annual tax of \$73,000,000 imposed on beer—a tax of \$73,000,000 out of the internal-revenue taxes aggregating \$295,000,000.

In other words, one-third of the war tax and one-fourth of the general internal-revenue taxes was imposed upon beer.

The Payne bill, now under consideration, proposes to make the rebate 20 per cent instead of 7½ per cent, which would make \$1.60 per barrel.

The chairman of the Ways and Means Committee [Mr. PAYNE] now seeks to amend that section simply by changing its phraseology without changing its effect. The rebate is done away with by his amendment and a direct tax of \$1.60 per barrel is imposed by it. Of this tax \$1 was the tax existing before the war-revenue bill was framed, and 60 cents a barrel on 40,000,000 barrels—the annual product—makes \$24,000,000 to be imposed upon this particular article of consumption out of a total of \$65,000,000 carried by the Payne war-revenue bill.

Now, my amendment makes the rate per barrel \$1.20, of which 20 cents is a war tax. Twenty cents a barrel on 40,000,000 barrels makes \$8,000,000 of the entire revenue intended to be carried by the Payne war-revenue bill, namely, \$65,000,000, and nearly one-fourth of the entire revenue which the minority insists is sufficient, namely, \$35,000,000.

Now, I wish to say to the minority members that if we conclude to reduce the war-revenue taxes to \$35,000,000 and yet permit the large tax upon beer and tobacco provided by the Payne bill—aggregating \$40,000,000—to stand, it logically follows that we must exempt every other item of taxation contained in the Dingley war-revenue bill from war taxation.

It means that we will relieve the accumulated wealth of the country, which for the first time in years has been placed under contribution by the revenue system of the country, absolutely from any burden. For instance, if you vote for war taxes upon beer and tobacco, aggregating \$35,000,000 or more, it will be necessary, if that be the limit of your revenue, to strike out the item of \$3,000,000 taxes imposed upon bonds, certificates of stock, etc., of corporations, of \$9,000,000 upon the transfers of shares of stock in the stock exchanges, of \$1,000,000 on the sales of merchandise in the mercantile exchanges.

You will have, also, to strike out the item of \$75,000, the tax upon sleeping and parlor car companies. You will have to cut out the taxes on legacies, aggregating \$2,300,000. You will have to cut out the excise taxes on refiners of petroleum and sugar, aggregating \$1,079,405, a tax of one-quarter of 1 per cent upon the gross receipts of corporations which rank among the greatest combinations of the age. You will have to cut out the tax on bank capital of \$3,000,000, and the tax on bankers, brokers, etc., aggregating nearly \$1,000,000.

Now, these are all taxes practically upon the wealth of the country, levied in the Dingley war-revenue bill and continued in the Payne bill; but unless you bring the war tax on beer and to-

bacco down within reasonable limits it will be unnecessary for you to tax these forms of wealth, and then you will practically be voting against your convictions. You believe that the consumption of the country is seriously taxed now and that wealth should be taxed.

Your course, therefore, should be to retain the taxes in the Dingley and Payne bills which are imposed upon wealth and to relieve the taxes which are imposed upon consumption. The tax upon tobacco and beer belong to this class. Such taxes are in the nature of per capita taxes, for they reach out to pretty nearly every individual in the country and their imposition is not at all proportioned to the wealth of the individual or to his ability to sustain the burthens of government.

I therefore contend that the war revenue derived from beer should be reduced to \$3,000,000 and that the total war revenue derived from tobacco should be reduced to \$5,000,000.

In my remarks of yesterday I neglected to incorporate the schedules upon which my argument was based, and I submit them now for the information of the House.

The first is a statement of surplus, and is as follows:

Statement of surplus.

1899-1900:		
Receipts	\$669,595,431.18	
Expenditures	590,068,371.00	
Surplus		\$79,527,060.18
1900-1901:		
Receipts	\$687,773,253.92	
Expenditures	607,773,253.92	
Surplus		80,000,000.00
1901-1902:		
Receipts	\$716,633,042.00	
Expenditures	690,374,804.24	
Surplus		26,258,237.76
Present balance in the Treasury	\$140,000,000.00	
Add surplus from January 1, 1901, to June 30, 1901, 6 months	40,000,000.00	
Add surplus for 1901-1902	26,258,237.76	
Total estimated surplus under existing law, June 30, 1902	206,258,237.76	
Deductions under Payne bill, 18 months, from January 1, 1902, to June 30, 1902, at the rate of \$40,000,000 per annum	60,000,000.00	
Total surplus June 30, 1902		146,258,237.76
Total estimated surplus under existing law on June 30, 1902, as above	206,258,237.76	
Deductions under minority proposition, eighteen months, at the rate of \$70,000,000 per annum		105,000,000.00
Total surplus June 30, 1902		101,258,237.76

The estimates of expenditures above stated cover the extraordinary estimates of the Departments for the year ending June 30, 1902, and if the appropriations for 1902 are cut down to the amount appropriated for 1901 the surplus in 1902 will be eighty-three millions greater than the above estimate.

The second is an estimate of receipts under the Dingley bill, the Payne bill, after deducting \$40,000,000, and the revenue under a suggested distribution of war revenue, after deducting \$70,000,000, an additional excise tax being imposed on manufacturers whose receipts exceed \$500,000 annually, this tax being imposed on the same principle as the tax on refiners of sugar and petroleum by the Dingley bill:

Estimate of receipts of war-revenue bill.

Articles.	Dingley bill.	Payne bill, showing war revenue after deducting \$40,000,000.	Suggested distribution of total war revenue after deducting \$70,000,000.
Beer	\$33,431,221.65	\$23,598,509.40	\$8,000,000.00
Tobacco	16,738,622.13	16,738,622.13	
Snuff	895,045.07	895,045.07	5,000,000.00
Cigarettes	1,320,394.72	1,320,394.72	
Cigars	3,189,764.14		
Mixed flour	7,439.46	7,439.46	7,439.46
Legacies*	2,384,491.55	2,384,491.55	2,384,491.55
Excise taxes on refiners of petroleum and sugar	\$1,079,405.14	\$1,079,405.14	\$1,079,405.14
Schedule A, stamp taxes	36,416,082.11	14,775,000.00	14,775,000.00
Schedule B, stamp taxes on proprietary medicines, excepting wines	3,948,283.19		
Schedule B, wines	600,000.00	600,000.00	
SPECIAL TAXES.			
Bankers	384,445.00	384,445.00	
Stock and bond brokers	309,006.88	309,006.88	
Pawnbrokers	37,861.18	37,861.18	
Bowling alleys and billiard rooms	396,538.00	396,538.00	
Bank capital and surplus	3,129,404.00	3,129,404.00	3,129,404.00
Commercial brokers	138,281.12		
Custom-house brokers	8,167.18		

* Charitable legacies exempted under Payne bill.

Estimate of receipts of war-revenue bill—Continued.

Articles.	Dingley bill.	Payne bill, showing war revenue after deducting \$40,000,000.	Suggested distribution of total war revenue after deducting \$70,000,000.
Circus	\$11,744.36	-----	-----
Theaters	47,178.02	-----	-----
Other public exhibitions	84,218.44	-----	-----
Additional excise taxes on owners of department stores and factories whose receipts exceed \$250,000 annually, imposed on the same principle as the taxes on refiners of sugar and petroleum	-----	-----	\$2,000,000.00
Total	105,048,193.34	\$85,626,761.53	36,875,740.15

I also add a comparative statement of the stamp taxes under the Dingley bill, the Payne bill, and the suggested minority bill, as follows:

Schedule A.—Stamp taxes.

Articles.	Dingley bill.	Payne bill.	Suggested bill.
Bonds, debentures, certificates of indebtedness	\$3,000,000	\$3,000,000	\$3,000,000
Shares of stock	9,000,000	9,000,000	9,000,000
Sales of merchandise	1,000,000	1,000,000	1,000,000
Bank checks	7,000,000	-----	-----
Certificates of deposit	200,000	-----	-----
Drafts, bills of exchange	500,000	-----	-----
Promissory notes	3,500,000	-----	-----
Postal money orders	602,000	-----	-----
Foreign bills of exchange	100,000	-----	-----
Export bills lading	100,000	-----	-----
Express and freight *	1,200,000	1,200,000	1,200,000
Telephone messages	315,000	-----	-----
Bonds of indemnity	250,000	-----	-----
Certificate of profit, very little tax.	-----	-----	-----
Certificate of damage, very little tax.	-----	-----	-----
Certificate required by law	200,000	-----	-----
Charter party	100,000	-----	-----
Contract of brokers, note or memorandum	100,000	-----	-----
Conveyance, real property	3,000,000	-----	-----
Telegraph dispatches	800,000	-----	-----
Custom-house entries of merchandise	500,000	500,000	500,000
Life insurance	1,500,000	-----	-----
Marine and fire insurance	1,000,000	-----	-----
Casualty and fidelity insurance	500,000	-----	-----
Lease	200,000	-----	-----
Manifest of vessel for entry	60,000	-----	-----
Mortgage or pledge	1,000,000	-----	-----
Passage tickets	200,000	-----	-----
Powers of attorney and proxies	100,000	-----	-----
Protests	25,000	-----	-----
Warehouse receipts	250,000	-----	-----
Sleeping and parlor car tickets	75,000	75,000	75,000
	36,277,000	14,775,000	14,775,000

* The item on express companies is eliminated in the Payne bill, leaving only the tax on freight of railroads and other common carriers except express companies.

Mr. SULZER. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. That is not in order, as there are already two amendments pending.

Mr. PAYNE. Mr. Chairman, I wish to speak in opposition to the amendment.

Mr. SULZER. Will the Chair recognize me in support of the amendment after the gentleman from New York [Mr. PAYNE] closes?

The CHAIRMAN. The Chair recognizes the gentleman from New York [Mr. PAYNE].

Mr. PAYNE. Mr. Chairman, I only have to say in regard to this amendment that it means a reduction of 65 cents a barrel upon the beer tax, which would make a reduction of \$26,000,000 in the revenue, which, added to the other reductions in the bill, would make a total reduction of \$56,000,000.

Now, I do not suppose that this amendment of the gentleman from Nevada will find favor even on the other side of the House, because I know there are gentlemen over there who wish to make reductions in other items in the bill—substantial reductions; and, of course, if we strike off this revenue of \$56,000,000, no man would be wild enough to vote for a larger reduction in the whole revenue, because no man wants a deficiency. No man wants to go right straight ahead with a deficiency in sight. Nobody wants to make any amendment to this bill which will, without any qualification, produce a deficiency in the revenues of the next two or three years. I hope, therefore, that this amendment will be voted down.

Mr. NEWLANDS. Will the gentleman permit a question?

Mr. PAYNE. Certainly.

Mr. NEWLANDS. Did I understand the gentleman to say

that the reductions proposed by the Payne bill would amount to \$56,000,000?

Mr. PAYNE. No, sir; I did not say any such thing. I said that the reduction in the bill before the House other than the beer tax is \$30,000,000, and the gentleman proposes a reduction of \$26,000,000 on the beer tax, which with the other reductions would make \$56,000,000. I hope we shall have a vote on this proposition.

The question being taken on the amendment of Mr. NEWLANDS, there were on a division (called for by Mr. SULZER)—ayes 60, noes 127.

So the amendment was rejected.

Mr. BARTHOLDT. I now renew my amendment, which I ask the Clerk to read.

The Clerk read as follows:

In the amendment proposed by Mr. PAYNE, strike out "\$1.00" and insert in lieu thereof "\$1.50."

Mr. BARTHOLDT. I do not wish to occupy any time upon this question now.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. ALLEN of Mississippi. Mr. Chairman, I am sorry to be forced to take issue with some of my Democratic colleagues on the proposition involved in this bill. In winding up my long and brilliant Congressional career, I must say that the criticism I have to make against the Committee on Ways and Means is not that they do not take off enough of the war taxes, but they take off too much.

Mr. Chairman, I spent the first ten or twelve years of my Congressional life in efforts to prevent and curtail extravagant appropriations. In this I generally failed. Therefore, of late years I have given much attention to the question of how the funds for these large expenditures should be raised, that the burdens might fall lightest on those of our people least able to bear them, and after two years of experience under the operation of this war tax my judgment is that in the main it is not only more easily collected, but bears less oppressively on the great masses of the American people than any other tax imposed on them.

There are some annoyances and inconveniences that I would gladly see remedied in the operations of the war tax, but I do not believe it is oppressive on anybody not able to bear it. If I had my way, I would make telegraph and express companies pay the small tax imposed on their messages and receipts. It is said we do not need all of this revenue. That is true; and I would reduce the tariff on many of the necessities of life and on many articles that are now controlled by trusts, instead of reducing this war tax. I remember distinctly that one of the accusations that we as Democrats used to bring against the Republican party was the fact that that party after the close of the civil war repealed most of the taxes such as are collected under the late act to raise revenue to support the war, and retained the taxes on the necessities of life used and consumed by the great mass of the people.

I would not myself reduce by one cent the revenue now collected on beer. It is true I have read much in the public prints in the last few days about the ruinous oppression of this tax on the brewing industry. I admit they have sent up a wail calculated to soften the hardest of hearts; they have even informed us that the oppressions of this tax have forced many of them to combine. I fear they mistake the causes that have brought about these combinations. If they will look about them, they will find that many other interests and industries that are not the victims of the war tax have also combined. May they not be mistaken as to the real incentive for their combinations?

If I had no other information than that derived from their petitions and interviews, I might be more touched by them. But, Mr. Chairman, in my peregrinations over this country and my visits to the various cities I have found that in those portions of the cities where the most beautiful residences are found the finest and most striking and palatial ones are the homes of the brewers. My opinion is that there are more enormously rich men in this country who have been made so as a result of brewing than almost any other one business. I do not invoke any prejudice against them because they are rich, but I only make mention of this to show that they are not such objects of sympathy as the uninformed might be led to believe.

I want to say now to my Democratic brethren that the contention of the Democratic party has always been that the luxuries instead of the necessities of life should bear the burden of taxation, and I do not see how they are to reconcile their votes in favor of taking the tax off or reducing the tax on beer while it is retained on the necessities of life. While I do not stand here to encourage extravagance, I would go on collecting this tax. There are many laudable and legitimate uses to which it might be applied, one of which is the building of the Nicaragua Canal.

I am as willing as anybody to reduce taxation, but I had hoped that much of the tax imposed by the war-revenue bill had come to stay. I believe, notwithstanding the great complaint of the brewers about the effect of the beer tax on their industry, that

the statistics show there was more beer made and consumed within the last year than ever before. I have heard no complaint of their not making enough of it, even with a tax of \$2 per barrel, and I am not prepared to say that a tax that would diminish the consumption would be a bad thing for the country.

[Here the hammer fell.]

Mr. FITZGERALD of New York. Mr. Chairman, I differ with the gentleman from Mississippi [Mr. ALLEN] in that I am not closing a long career in legislative bodies. It is somewhat surprising, Mr. Chairman, to find the gentleman from Mississippi [Mr. ALLEN] making such an attack upon a class of people who have undoubtedly amassed what property they now possess by their frugal and industrious habits. The brewers of this country have, by close attention to their business, by industry, and by following sound business principles, built up a great industry that furnishes employment for many thousand mechanics. I live in a district of a great city in which there are only two breweries; and yet the tax collected on beer in the old city of Brooklyn under the war-revenue bill amounts annually to \$1,440,000, and this in addition to the tax collected under the old revenue act. This tax, Mr. Chairman, is paid partly by the consumers of beer, partly by the retailers, and partly by the brewers. I believe it should be removed.

I feel thankful, Mr. Chairman, that even if I be not ending a long and honorable career in this House, neither have I lived in the classic precincts of Tupelo; but rather that I come from a section of this great country which is not only progressive but whose people are broad minded enough to give credit to men who by honest industry have been able to better themselves. Because we have made money and have built up in an honorable manner legitimate businesses is no justification for the attack made by the gentleman from Mississippi [Mr. ALLEN].

I favor the reduction not only of the tax on beer, but on all things enumerated in this bill.

This bill, Mr. Chairman, was designed to raise revenue for a war. That war has been ended now some two years; yet by reason of the extraordinary expenses resulting from it, and to be continued indefinitely, these taxes are to go on. When they will cease, no one knows. Among these extraordinary expenditures are those occasioned by the maintenance of a standing army of 100,000 men, provided in the bill which was recently passed in this House. Who knows what other schemes may be placed to the credit of this war as "extraordinary expenditures." Perhaps some gentleman will suggest that the proposed subsidies to ships are an outcome of the late war. We have taken possession of distant lands. We must have, we will be told, a merchant marine subsidized and supported by the Government to control the trade in other parts of the world. We not only tax the beer industry—and I speak, Mr. Chairman, not for the brewers of this country alone, but more particularly for the retailers and the people who consume the beer. I have never considered beer to be a luxury. To many workmen it is an absolute necessity. They use beer with their meals because it furnishes nourishment and is a mild stimulant necessary to many men engaged in laborious occupations. This tax upon beer is a burden to such men.

Perhaps in the country districts men may drink applejack or hard cider and get along very well; but in the great cities the mechanic, the laboring man, the working people generally, require beer just as much as people in other parts of the country require other kinds of beverages. I am not familiar with the favorite drink of the people of that section represented by my distinguished friend from Mississippi [Mr. ALLEN], but whatever be its name I am confident that a careful examination of the revenue act will disclose no such onerous tax as that upon beer. Such people pay nothing additional for the use of the beverages to which they are accustomed and require. Certainly we ought to make some provision which would equalize the taxes collected under this act, and I hope, therefore, that this House will vote for the amendment proposed by the gentleman from Missouri [Mr. BARTHOLDT], reducing the tax proposed by the gentleman from New York on malted liquors. My only regret is that the amendment to reduce the tax on malted liquors to \$1.20 a barrel instead of \$1.50, as proposed by the pending amendment, did not prevail.

Mr. BARTHOLDT. Mr. Chairman, I move to strike out the last word.

[Here the hammer fell.]

The CHAIRMAN. The Chair would suggest to the gentleman from Missouri that that amendment would not now be in order, there being already two amendments pending.

Mr. SHATTUC. I ask that the gentleman from Missouri may be heard.

Mr. PAYNE. Mr. Chairman, I will ask that the time for the discussion of this amendment be extended for ten minutes.

Mr. CUMMINGS. I shall not object to that if I can have one minute of the time.

Mr. SULZER. I object.

Mr. BARTHOLDT. I ask unanimous consent that I may be permitted to address the committee for five minutes.

The CHAIRMAN. The Chair will state that debate is exhausted on this pending amendment.

Mr. SHATTUC. We think not, Mr. Chairman.

The CHAIRMAN. And the amendment which is now pending will be reported, on which a vote is to be taken.

Mr. BARTHOLDT. I have asked unanimous consent for five minutes' time in which to address the committee.

The CHAIRMAN. Is there objection to the request of the gentleman from Missouri that he be allowed five minutes' time?

There was no objection.

Mr. BARTHOLDT. Mr. Chairman, I shall not attempt to answer the remarks of my friend from Mississippi [Mr. ALLEN], who has just addressed the committee, either in kind or spirit, because that would be impossible. I shall refer briefly, however, to some arguments which have been made during the last two hours on the floor of the House on this question. It was said that the tax on beer is a very easy tax to be collected. Mr. Chairman, that is true. That, however, is the argument of the highwayman, who goes out upon the road and holds up a traveler, believing that to be the easiest way of making money.

The only question before the committee is whether the tax on malt liquors is just or whether it is unjust. The fact that many brewers of the country are wealthy should have no bearing whatever. They have made their money at a time when beer commanded a price of about \$12 a barrel. That price, by reason of fierce competition, has been reduced to ten, eight, six, and down to five dollars a barrel, and to-day, when wages are high, when competition is ruinous, when the expenses of collection are large, when the losses on account of this onerous tax are greater than ever, do you wonder when you find the brewers to complain and ask for relief? It has been stated in the course of this discussion that as much beer was consumed last year as the year before. That is not true.

The fact is that the consumption has fallen off, the decrease being nearly 1,000,000 barrels during the last year, and the increase this year up to the present time is not at all commensurate with the general prosperity of the country. In other words, of all the American industries and trades the brewing industry was the only one which was not permitted to share in the general and unexampled prosperity of the country, and this mainly because of this burdensome tax upon its product. It was forcibly held down by the strong arm of the taxgatherer. During the last two years 208 brewers have gone to the wall. It is not true that they have been absorbed by larger ones; it is not true that they have formed a combination, and the decrease in the number can not be explained in that way. The fact is, Mr. Chairman, that they have gone to the wall because they were unable to conduct business profitably under the present tax.

The CHAIRMAN. The question is on agreeing to the amendment to the amendment offered by the gentleman from Missouri [Mr. BARTHOLDT].

The question being taken, the Chairman announced that the yeas appeared to have it.

Mr. BARTHOLDT and Mr. SHATTUC demanded a division.

The committee divided; and there were—ayes 74, yeas 119.

Mr. BARTHOLDT and Mr. FITZGERALD of Massachusetts demanded tellers.

Tellers were ordered; and the Chairman appointed Mr. PAYNE and Mr. BARTHOLDT.

The committee again divided; and the tellers reported—ayes 68, yeas 139.

So the amendment to the amendment offered by Mr. BARTHOLDT was rejected.

Mr. PAYNE. I call for a vote on my amendment.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from New York [Mr. PAYNE].

Mr. SULZER. Mr. Chairman, just a few words on this question. I am in favor of entirely repealing the additional war taxes on beer. But I support the amendment offered by the gentleman from Nevada [Mr. NEWLANDS], and I practically concur in all that he said regarding it. No one who is fair and just, and who does not want to inequitably discriminate against one industry in favor of another, can possibly object to the adoption of the amendment offered by the gentleman from Nevada.

If this amendment were adopted, the brewing industry would pay into the Treasury of the Government from forty-eight to fifty million dollars a year, or more than one-third of all the revenue intended and expected to be raised under the bill proposed by the gentleman from New York [Mr. PAYNE]. The Republican party, it seems, does not intend to keep faith with the brewers. It is the old story.

We have just witnessed in this Hall a spectacle that will belong remembered by those oppressed, and which should be discussed from one end of this land to the other by people engaged in the beer business, and that is that the Republican members of this House almost unanimously either voted against the amendment of the gentleman from Nevada [Mr. NEWLANDS] to reduce the tax on beer to \$1.20 a barrel and against the amendment offered by

the gentleman from Missouri [Mr. BARTHOLOLT] to reduce the tax to \$1.50 a barrel, or refrained from voting at all. A little help from the Republicans and the amendment would have been adopted. What a spectacle of deception and hypocrisy these votes display!

Do you imagine you can again successfully deceive the brewers of this country? The brewers of the country now know how the Republican party has betrayed them. They have not forgotten your promises in the last campaign, and I believe you will not get as much help from them in the coming campaigns as you did in the last. If the brewers respond again to your cries for campaign funds, they are more foolish than I imagine, and deserve to be robbed.

Let me say here that during the recent campaign the Republican speakers in my district—and I doubt not in others—told the people that if the Republicans were returned to power they would repeal this additional tax of \$1 a barrel on beer. What a difference between now and then! What a difference between promise and performance! The way you have voted here to-day on this question will not be forgotten. You have broken your pledges and voted against all your promises.

Mr. Chairman, I want to reiterate that the brewing industry is being unjustly and unnecessarily taxed. The Republicans are driving to the wall the people engaged in this industry, and the business is being harassed, oppressed, and destroyed by taxation that practically means confiscation. And yet, sir, the Republican party will have the temerity—the brazen effrontery—during the next campaign to go to the brewers and their friends and ask for contributions to elect its members to Congress. I trust the brewers will not forget the vote here to-day.

I hope that when the Republicans go to the brewers for campaign contributions they will be met with the record you have made here to-day. [Applause.] And I am inclined to believe that hereafter if Republican speakers tell the people that the Republican party is in favor of repealing this additional war tax on beer they will be hooted into silence and laughed from the platform. [Laughter.] You can fool some of the brewers all the time, and all the brewers some of the time, but you can not fool all the brewers all the time. [Applause.]

[Here the hammer fell.]

Mr. PAYNE. I move that all debate on this section and the amendments be concluded in five minutes.

Mr. RICHARDSON of Tennessee. Make it ten minutes. I want two or three minutes.

Mr. PAYNE. Very well; make it ten minutes.

The CHAIRMAN. The gentleman from New York [Mr. PAYNE] moves that all debate on this section and amendments thereto be closed in ten minutes.

Mr. CORLISS. Before that motion is put, I ask that the amendment which I desire to offer be read.

Mr. PAYNE. The amendment will be in order anyway.

The CHAIRMAN. This will not cut off the right to offer amendments.

Mr. DAVIDSON. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DAVIDSON. Will there be any other opportunity to discuss any other amendments proposed to this section?

The CHAIRMAN. Not if this motion is adopted.

The motion of Mr. PAYNE was agreed to.

Mr. CORLISS. Mr. Chairman, I desire to offer an amendment, and ask unanimous consent that it be made a part of the amendment offered by the chairman of the committee.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amend section 1, page 2, by inserting at the end of line 12 the following:

"Provided further, That in addition to the present regulations, all stamps used for denoting the tax imposed by this section shall be canceled by perforations, to be made in such manner as may be prescribed by the Commissioner of Internal Revenue."

The CHAIRMAN. The Chair will state that it is an independent amendment, and will be in order after the committee amendment is disposed of. The question is on the amendment offered by the gentleman from New York.

Mr. RICHARDSON of Tennessee. What amendment is it?

Mr. PAYNE. It is the amendment I offered.

Mr. STEWART of New York. I offer an amendment, Mr. Chairman.

The CHAIRMAN. Is it an amendment to the amendment?

Mr. STEWART of New York. It is.

The Clerk read as follows:

Add to section 1:

"Provided further, That the beer shall be pure beer, made exclusively from malt and hops, so pronounced by inspectors to be appointed by the Government for that purpose, the inspectors to be appointed by the Treasury Department and paid at the rate of \$3,000 per year: Provided further, That a violation of the above provision shall be a misdemeanor, punishable upon conviction by a fine not exceeding \$1,000 or imprisonment for not more than one year, or both, in the discretion of the court; and if such beer is found on such inspection to be impure, then a tax of \$2 shall be imposed."

Mr. SHATTUC. I raise the point of order against that amendment that it is not germane.

The CHAIRMAN. It is not an amendment to the amendment and is not in order until we have voted upon the amendment offered by the gentleman from New York.

Mr. RICHARDSON of Tennessee. As I understand it now, Mr. Chairman, the pending question is on the motion of the gentleman from New York to fix the tax at \$1.60 a barrel, and that is in lieu of the provision in the bill which the gentleman has presented. Now, Mr. Chairman, I believe we have exhausted all the amendments that can be offered. We saw the majority vote down the proposition fixing this tax at \$1.20 a barrel. They have also voted down the proposition to fix the tax at \$1.50 a barrel, and now we are brought to vote upon the proposition made by the chairman of the committee, to fix the tax at \$1.60 per barrel. I have stated, Mr. Chairman, that I should vote for every reduction. I have voted for the preceding propositions to reduce the tax, first, to \$1.20, and then to \$1.50. It is true the majority on the floor have decided that there shall be no such reduction. They have so decided in caucus or conference. There is nothing left, therefore, but to vote for \$1.60 or leave it at \$1.85, as it now stands, after the discount of 7½ per cent.

Mr. Chairman, it seems to me that this is an injustice to this great interest. The figures of the Secretary of the Treasury show that for the fiscal year ending June 30, 1900, there was a surplus of over \$79,000,000 in the Treasury. For the present fiscal year it is expected that the surplus will be \$80,000,000. There is already a surplus in the Treasury of \$140,000,000. Add these various sums together, and we have a surplus of nearly \$300,000,000 in the Treasury, or will have at the expiration of the fiscal year which I have mentioned if there is no reduction and no change in the present law. Notwithstanding these figures, notwithstanding it is shown that we do not need this vast sum, the majority are unwilling to reduce the tax below \$1.60 per barrel. For myself, I would reduce the revenue, if I could, under this war-revenue bill \$70,000,000, and then I would feel that I had not given the full measure of relief that the people are entitled to. But we are up against the majority and their united party action, and we are compelled to submit. For one, therefore, I am ready to vote for the lowest rate we can get, which is \$1.60 per barrel.

Mr. FITZGERALD of Massachusetts. Mr. Chairman, I have but very little sympathy with that method of debate indulged in by the gentleman from Mississippi a few minutes ago. I do not think the slur that he uttered against the brewers adds to his reputation or to the dignity of this body. I think the brewers of the country are entitled to live in as fine houses with proper surroundings as are any of the members of this House or men engaged in any business. The brewing industry is a legitimate one, neither harmful nor detrimental to the people of this country. On the contrary, beer, as a food and medicine, is a great blessing to thousands of people in this country.

Last year the production in this country was more than 40,000,000 barrels, or 1,200,000,000 gallons, amounting to more than 17 gallons for every man, woman, and child in the United States.

With this enormous use of beer by the people of this country, how can the members of this House sit here when there is no public demand for this legislation and when the Treasury is bursting with a huge surplus and vote this extortionate tax upon beer? I feel certain that the members of this House in their hearts know that the brewers of the country, as well as the beer consumers, are taxed too heavily now. I do not think there is a man in this body who does not feel that \$73,000,000 is too much money for one industry to pay the National Treasury.

There is no business in the country which suffers so much to-day from unjust taxation as the brewing industry.

Just think of beer selling at \$5 to \$6 per barrel by the brewer and \$2 of this amount going to the Government. How can the brewers pay decent wages to their employees under this taxation and get any profit themselves? Years ago, when beer brought \$12 per barrel, only \$1 tax was paid to the Government. The brewing business was a paying investment then, but now, save in exceptional instances, there is no money in the brewing business. I know of two or three failures in Boston within the past two years. Better wages are paid the workmen in the breweries than in any similar industry in this country.

Competition is sharper and the expense of collection so great that the profits have been reduced to a minimum.

To show how absurdly unnecessary it is to continue any of the war-revenue tax on beer, I quote some figures on the condition of the Treasury now and its condition during the next two years:

Statement of surplus.

1899-1900:		
Receipts.....	\$669,595,431.18	
Expenditures.....	590,068,371.00	
Surplus.....		\$79,527,060.18
1900-1901:		
Receipts.....	687,773,253.92	
Expenditures.....	607,773,253.92	
Surplus.....		80,000,000.00

1901-1902:		
Receipts.....	\$716,633,042.00	
Expenditures.....	690,374,804.24	
Surplus.....		\$26,258,237.76
Present balance in the Treasury.....	\$140,000,000.00	
Add surplus from January 1, 1901, to June 30, 1901, six months.....	40,000,000.00	
Add surplus for 1901-1902. Total estimated surplus under existing law, June 30, 1902.....	26,258,237.76	
		206,258,237.76
Deductions under Payne bill, eighteen months, from January 1, 1901, to June 30, 1902, at the rate of \$40,000,000 per annum.....	60,000,000.00	
Total surplus June 30, 1902.....		146,258,237.76
Total estimated surplus under existing law on June 30, 1902, as above.....		206,258,237.76
Deductions under minority proposition, eighteen months, at the rate of \$70,000,000 per annum.....		105,000,000.00
Total surplus June 30, 1902.....		101,258,237.76

The estimates of expenditures above stated cover the extraordinary estimates of the Departments for the year ending June 30, 1902, and if the appropriations for 1902 are cut down to the amount appropriated for 1901 the surplus in 1902 will be eighty-three millions greater than the above estimate.

With this condition of the public Treasury, is not the demand by the brewers for fair treatment one that should be acted upon favorably by this House?

How can we expect the breweries to turn out pure beer if nearly one-half the price received for their product goes into the coffers of the Government? All the hospitals in my own city of Boston prescribe beer for the patients. Nearly every reputable physician in the country will prescribe beer and porter for the building up of a constitution broken down from overwork or other causes. If, then, beer is a tonic and medicine, why should we tax it so as to make its manufacture in a pure state practically prohibitive? Therefore, in the interest of the health and welfare of the millions who drink this beverage, this war tax should be repealed.

It is time for men belonging to a representative body such as this House of Representatives is supposed to be to vote upon questions where the beer and liquor interests are affected honestly and conscientiously. It is time to stop levying unjust and iniquitous taxation upon the brewing interests of the country just because a small and impractical percentage of the people of this country applaud these efforts. It is time to stop the humbug and nonsense which lead men, as in the vote upon the canteen question last week, to vote against their own convictions of right and justice and honesty in order to cater to and satisfy a false, intolerant, and impracticable idea of conducting the affairs of this country.

I know a great many men engaged in the brewing industry. They are as respectable, as able, and as substantial business men as we have in any industry in this country.

The beer business requires brains, application, and an intelligent understanding of the laws of trade. Hundreds of millions of dollars are invested in this great industry, and it deserves the encouragement of the Government rather than its unjust and unfair discrimination.

I applaud the men in the brewing business who, as the gentleman from Mississippi says, live in magnificent houses. If they have been successful in their business it is due to the intelligent application of business methods and to their honesty, frugality, and untiring energy. They have not been successful through the favor of but rather in spite of legislation by the National Government. [Applause on Democratic side.]

The CHAIRMAN. The time of the gentleman has expired.

The question is on agreeing to the amendment offered by the gentleman from New York, the chairman of the committee.

Mr. PAYNE. I ask, Mr. Chairman, that the amendment be again reported.

The amendment was again read.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from New York.

The amendment was agreed to.

Mr. STEWART of New York. I now offer my amendment, Mr. Chairman.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Added to section 1:

"Provided further, That the beer shall be pure beer, made exclusively from malt and hops, so pronounced by inspectors to be appointed by the Government for that purpose, the inspectors to be appointed by the Treasury Department and paid at the rate of \$1,000 per year: Provided further, That violation of the above provision shall be a misdemeanor, punishable upon conviction by a fine not exceeding \$1,000, or imprisonment for not more than one year, or both, in the discretion of the court; and if such beer is found on such inspection to be impure, then a tax of \$2 shall be imposed."

Mr. STEELE. Mr. Chairman, I make a point of order against that.

The CHAIRMAN. What is the point of order of the gentleman?

Mr. STEELE. It is legislation upon this bill and is not germane.

As a matter of fact, nine-tenths of the brewers of this country do not use malt exclusively made from barley. Everybody knows that.

Mr. CANNON. It is in the nature of an alleged pure-food bill.

Mr. STEELE. Yes; but no one alleges that corn is impure.

Mr. CANNON. I say this amendment is in the nature of a pure-food bill.

Mr. STEELE. The subject of the bill is taxation, and the amendment is a regulation of pure food.

Mr. RAY of New York. What is the objection to pure beer?

Mr. STEELE. Not a bit. But I say that just as pure beer can be made of corn as can be made out of hops.

Mr. RAY of New York. Then let it go through; nobody objects to it.

Mr. GROSVENOR. Mr. Chairman, considering the merit there must be in this proposition to have pure beer, this is neither the time nor the manner in which it ought to be brought about. This is a bill to reduce taxation. It is not germane to that question, in my judgment, to regulate the quality of the various articles, cigars and tobacco and all that sort of thing, on which these taxes are to rest. But if the Chair should overrule that suggestion, what is there in this provision—who is to tell? Are we to suspend the collection of the taxes, are we to stop the whole machinery of the Internal Revenue Bureau while we analyze and test each barrel of beer? These taxes are to rest upon pure beer. What is to be the tax upon impure beer?

Mr. STEWART of New York. Two dollars a barrel.

Mr. GROSVENOR. I do not believe there will be any money collected from taxes if this proposed amendment is to go into the bill.

Mr. WILLIAMS of Mississippi. Mr. Chairman, I want to be heard upon the point of order. I do not think the point of order is well taken, for this reason. It seems to me that you can fix one rate of tax upon one article, composed of a certain material, and another rate upon the same article, known by the same name, when composed of another material. Suppose, for example, it was proposed in this bill to tax whisky made out of rye so much a gallon, and whisky made out of corn so much a gallon, at different rates. Suppose the bill was brought in for whisky generally. Suppose somebody offered an amendment providing that when the whisky was made out of corn it should be fixed at so much, would anybody contend that the point of order would lie? It seems to me that when you say that beer shall be taxed so much, and beer not made out of malt and hops should be taxed so much, or a different amount, that you have certainly not violated the rules of the House, certainly not the rule as to germaneness.

Mr. POWERS. Mr. Chairman, it seems to me that the very ground on which the gentleman from Ohio [Mr. GROSVENOR] objects to the amendment shows that it is clearly a proper amendment to this section. The bill, as stated by the gentleman from Ohio, is a bill to reduce taxation. There is now upon the statute book a tax upon beer of \$2 a barrel. The proposition of the gentleman now is that beer of a particular quality shall be taxed \$1.60. The beer that is impure stands without special regulation, remains as it is now. Why is not this germane to the general scope of the bill as well as to the particular clause in question?

The CHAIRMAN. As the Chair understands, there are two classes of beer contemplated by this amendment, and it provides a different tax for each. It provides the instrumentalities by which beer shall be classified for purposes of taxation. In that portion of the bill referring to cigars there is not only a clause fixing the amount of taxation, but there are provided instrumentalities for carrying out the operations of the law, and also an appropriation to aid in that purpose. It seems to the Chair—

Mr. PAYNE. May I interrupt the Chair a moment? Does the Chair understand that this amendment proposes two different taxes for different kinds of beer?

The CHAIRMAN. Yes, sir.

Mr. PAYNE. Then, certainly I should say it is out of order, for the reason that we have already voted upon a provision fixing but one tax for all kinds of beer, and the Committee of the Whole can not alter that provision now; no amendment to that tax is in order.

The CHAIRMAN. The Chair thinks the gentleman's position is not tenable, and has no doubt as to the germaneness of this proposition. The question is upon agreeing to the amendment offered by the gentleman from New York [Mr. STEWART].

Mr. TAWNEY. Let the amendment be again read.

The amendment of Mr. STEWART of New York was again read.

Mr. TAWNEY. I move to amend the amendment by inserting before the word "malt" the word "barley."

Mr. STEWART of New York. I am willing to accept that amendment.

The CHAIRMAN. The question is on the amendment to the amendment.

The question being taken, the amendment to the amendment was rejected.

Mr. CANNON. I move to amend by inserting before the word "malt" the words "corn and barley." I would like to say a word on this question.

The CHAIRMAN. Under the order of the committee, debate of this section has been closed.

Mr. CANNON. I did not understand that the debate was closed. Several MEMBERS. Oh, yes.

Mr. GARDNER of New Jersey. Without offering a further amendment, I would like to make a suggestion on the pending amendment.

The CHAIRMAN. The debate has been closed.

Mr. GARDNER of New Jersey. I ask unanimous consent—

The CHAIRMAN. Does the gentleman ask unanimous consent to speak for five minutes?

Mr. GARDNER of New Jersey. Two minutes.

The CHAIRMAN. Is there objection?

Mr. RAY of New York. I object.

The CHAIRMAN. The question is on the amendment to the amendment, as proposed by the gentleman from Illinois [Mr. CANNON].

Mr. CANNON. I withdraw my amendment.

The question being then taken on the amendment of Mr. STEWART of New York, there were on a division—ayes 3, noes 34.

So the amendment was rejected.

Mr. CORLISS. I offer the amendment which I send to the desk. The Clerk read as follows:

In section 1, on page 2, at the end of line 12, insert:

"Provided further, That in addition to the present regulations, all stamps used for denoting the tax imposed by this section shall be canceled by perforations, to be made in such manner as shall be prescribed by the Commissioner of Internal Revenue."

Mr. CORLISS. Mr. Chairman—

The CHAIRMAN. The debate has closed.

Mr. CORLISS. I ask a vote, then, on the amendment. The committee, as I understand, has agreed to it; and it is desired by the Commissioner of Internal Revenue.

A MEMBER. What is the object?

Mr. CORLISS. The purpose is to prevent fraud.

The question being taken, the amendment of Mr. CORLISS was agreed to, there being on a division (called for by Mr. UNDERWOOD)—ayes 103, noes 23.

Mr. PAYNE. I move to amend by inserting two additional sections, which I ask the Clerk to read, to come in after section 1. The Clerk read as follows:

SEC. 2. That section 3339 of the Revised Statutes of the United States be, and the same is hereby, amended by striking out of said section the following:

"In estimating and computing such tax, the fractional parts of a barrel shall be halves, thirds, quarters, sixths, and eighths; and any fractional part of a barrel containing less than one-eighth shall be accounted one-eighth; more than one-eighth, and not more than one-sixth, shall be accounted one-sixth; more than one-sixth, and not more than one-fourth, shall be accounted one-fourth; more than one-fourth, and not more than one-third, shall be accounted one-third; more than one-third, and not more than one-half, shall be accounted one-half; more than one-half, and not more than 1 barrel, shall be accounted 1 barrel; and more than 1 barrel, and not more than 63 gallons, shall be accounted 2 barrels, or a hogshead. The said tax shall be paid by the owner, agent, or superintendent of the brewery or premises in which such fermented liquors are made, and in the manner and at the time hereinafter specified."

And by inserting in lieu thereof the following:

"In estimating and computing the tax imposed by law the fractional part of a barrel shall be halves, thirds, and quarters, and any fractional part of a barrel containing less than one-fourth shall be accounted one-fourth; more than one-fourth and not more than one-third shall be accounted one-third; more than one-third and not more than one-half shall be accounted one-half; more than one-half and not more than one barrel shall be accounted one barrel; and more than one barrel and not more than 63 gallons shall be accounted two barrels, or a hogshead. The said tax shall be paid by the owner, agent, or superintendent of the brewery or premises in which such fermented liquors are made, and in the manner and at the time hereinafter specified."

SEC. 3. That section 9 of the act entitled "An act to provide revenue for the Government and to encourage the industries of the United States," approved July 24, 1897, be, and the same is hereby, amended so as to read as follows:

"SEC. 9. That section 3341 of the Revised Statutes of the United States be, and hereby is, amended to read as follows:

"SEC. 3341. The Commissioner of Internal Revenue shall cause to be prepared, for the payment of such tax, suitable stamps denoting the amount of tax required to be paid on the hogsheads, barrels, and halves, thirds, and quarters of a barrel of such fermented liquors (and shall also cause to be prepared suitable permits for the purpose hereinafter mentioned), and shall furnish the same to the collectors of internal revenue, who shall each be required to keep on hand at all times a sufficient supply of permits and a supply of stamps equal in amount to two months' sales thereof, if there be any brewery or brewery warehouse in his district; and such stamps shall be sold and permits granted and delivered by such collectors only to the brewers of their districts, respectively. Such collectors shall keep an account of the number of permits delivered and of the number and value of the stamps sold by them to each brewer."

Mr. RICHARDSON of Tennessee. Mr. Chairman, this seems to be a very important amendment to be put in now.

Mr. PAYNE. Let me explain. These two sections are simply a bill which at the last session of Congress was reported unanimously by the Ways and Means Committee and passed unanimously by the House.

Mr. RICHARDSON of Tennessee. Is the language identical?

Mr. PAYNE. These two sections are in the identical language of a bill which is now pending in the Senate. It has not been acted upon.

Mr. RICHARDSON of Tennessee. The first section of this bill has just been passed, and all amendments were refused. That section has been passed as submitted to and approved by the Republican caucus. I ask whether these provisions have been submitted to the caucus.

Mr. PAYNE. No, sir; this amendment has not been submitted to any caucus, so far as I know.

Mr. RICHARDSON of Tennessee. I think it ought to be.

Mr. PAYNE. It has been submitted neither to a Republican nor a Democratic caucus, so far as I know.

Now, Mr. Chairman, I wish to say—

Mr. UNDERWOOD. Will the gentleman yield to me for a question?

Mr. PAYNE. Yes; although I think I am going to answer the question I believe the gentleman has in mind.

Mr. UNDERWOOD. I simply wish to know how much reduction on the beer tax this amendment provides?

Mr. PAYNE. Not a farthing. It does not reduce that at all.

Mr. UNDERWOOD. Then, if a brewer chooses to fill his kegs one-half full he pays the tax only on one-third; that is to say, as I understand the amendment, he pays the tax on the smaller of the two quantities.

Mr. PAYNE. No; that is a mistake. He pays the tax on the larger quantity.

Mr. UNDERWOOD. I understood the reading of the amendment differently.

Mr. PAYNE. No; it simply gets rid of the sixth and eighth barrel taxes.

Mr. RICHARDSON of Tennessee. Do I understand that this is identical with the bill that we passed in and sent to the Senate?

Mr. PAYNE. Yes; I sent up a copy of the printed bill as the amendment.

Mr. RICHARDSON of Tennessee. What is the status of the bill we passed? I have forgotten.

Mr. PAYNE. It has not been acted upon in the Senate, and we propose to bring it before that body in such shape that we can probably secure action upon it at this session.

Now, when this bill was before the House on a former occasion, on a motion from the gentleman from Minnesota [Mr. FLETCHER], it was amended so as to take effect at some future time; I think in July last. I propose to offer an amendment to the last section of the bill so that the two sections in question shall go into effect on the 1st day of July, 1901, so as to meet the objection of the gentleman from Minnesota at that time.

Mr. STEELE. Mr. Chairman, is it not a fact that debate on this section has been exhausted?

The CHAIRMAN. This, as the Chair understands it, is an additional section.

Mr. FLETCHER. Will the gentleman from New York yield to me for two minutes?

Mr. PAYNE. There are five minutes in opposition to the amendment, and, of course, the gentleman can take the floor in his own right if he desires to do so.

Mr. FLETCHER. Mr. Chairman, this bill is identical with one which was passed at the last session of Congress, and was sent to the Senate. It seems that that body was unable to act upon it, and it never was passed. It comes up here to-day in a new form, and, as I understand it, a kind of a compromise measure, for the large brewers of the country would be willing to accept \$1.60 tax if they could get this bill passed, as it would thus enable them to drive out the smaller brewers from the market. This is simply a process for crushing out the smaller brewers in the interest of the larger ones, and I hope the committee will vote it down.

Mr. BARNEY. Mr. Chairman, I am opposed to the amendment, and I think that when the committee come to understand it they will also be opposed to it.

The object of this pending proposition is to regulate the brewing industry of the United States with reference to taxation, and is undoubtedly in the interest of the larger brewers against the smaller producers and others in the country. That, at all events, is the effect of it. If the Internal Revenue Bureau is not allowed to sell stamps for the smaller sizes of beer packages, it prohibits the use of packages of that size.

Mr. TAWNEY. What is the extent of the prohibition?

Mr. BARNEY. This cuts out both the sixths and eighths packages, and the result will be that all sales must be in the larger packages—one-quarter, one-half, or a full barrel.

Now, what does that mean? It means, Mr. Chairman, the crushing out of the smaller breweries and putting the business altogether in the hands of the great ones, who can afford to manufacture in large quantities and whose trade is mostly in large packages. That seems to be the only object of it.

As the law is, there is nothing to compel a brewer to buy one-eighth or one-sixth barrel stamps if he does not want to. He is not required to do it, unless he chooses to use packages of that character. He can confine himself to the using of quarter barrels, or half barrels, or full barrels, and leave the smaller trade to

small breweries; but when you come to prohibiting the issuing of stamps of this character the natural consequence is to break up the smaller establishments. No man ought to ask Congress to regulate his business for him in this way.

It would not only crush out the business of smaller establishments, but the smaller retailers of beer as well, because they deal almost exclusively with the smaller packages, while the large saloons, which of course are their largest purchasers, deal almost entirely in half and full barrels; and, besides, the farmers, the laboring people, and the public generally throughout the country where beer in packages is used on occasions, buy in the smaller packages and not the larger, and do not wish to be compelled to buy either as large a package as a quarter, or bottled beer, which is much dearer, and at the same time is not as good.

There is another industry in this country that is affected by this amendment, and that is the large number of coopers who have invested considerable money in staves, and who have kegs on hand at the present time for the purpose of supplying the brewing interests of the country.

Now, they do not ask, and they have not a right to ask, for legislation on the part of Congress for the purpose of widening their market; but they do, in my judgment, have a right to ask that this Congress shall not pass an amendment to this law which shall ruin their industry, which shall drive the product of their shops out of the market, and which will not allow the people of this country to purchase their product who are anxious to purchase it at the present time.

I repeat, then, if the large brewers of this country do not want to put up eighths and sixths they do not need to. There is no law on the statute book which compels them to do so; but the small brewing interests of this country desire to do it, and I do not think it right or fair for this Congress to enact legislation the inevitable effect of which will be to drive out of the trade the small brewing industries of this country.

I am in favor of, and in the consideration of this bill have voted for, a substantial reduction of the beer tax, and a larger reduction than that proposed in this bill. I believe at least one-half or more of the war-revenue tax ought to be taken off. But I am not in favor of aiding the brewing industries of this country in this way and at the expense of the smaller breweries, the coopers, and others who are accommodated by the putting up of the smaller packages of beer in wood.

In my judgment this is the most obnoxious kind of class legislation. It is asking the Government by law to regulate the brewing trade, and to discriminate in favor of the strong against the weak.

Mr. DAVIDSON. Mr. Chairman, I want to be heard for a moment, to corroborate what the gentleman from Wisconsin [Mr. BARNEY] has said. There is no question in my mind but what if this amendment is adopted it will drive out of business every small brewery in the country. The small breweries, situated in the more thinly settled localities, can not put up bottling establishments. The regulations prescribe that bottling establishments shall be in buildings detached from all other buildings. They must be constructed and operated in certain ways; all of which is very expensive. The small brewers sell their product to the saloons in their neighborhood, delivering it to them by wagons. They also sell many of their small packages to the consumers direct, to farmers and others, who purchase a sixth or eighth for their own use.

Mr. TAWNEY. If that is so, then this measure is in the interest of temperance, is it not?

Mr. DAVIDSON. I am not discussing that question. It is not involved here. This contest is between the small brewer and the combine, and I propose to play fair with the men who are doing business in the country, as well as the large breweries doing business in the cities. I do not believe we should adopt a measure that will drive the small brewer out of business, simply to give an extended market to the large brewer who can afford to construct bottling establishments and send his goods out in that way.

Mr. TAWNEY. Do you mean to say that the small brewer does not manufacture anything above eighths or sixths of a barrel?

Mr. DAVIDSON. I mean to say that nine-tenths of the product of the small breweries is put up in quarters or less, and that not more than one-tenth is put up in halves or in full barrels. By far the larger part of their product is put out in the small kegs, in sixths and eighths, and this measure will absolutely wipe them out of existence.

It must be remembered that these small breweries have a large amount of capital invested in the small kegs. If this amendment passes, that capital is absolutely lost, as the small kegs could not be used and would be of no value.

I know the argument is made that many of these kegs are not returned, and this is a heavy loss upon the owners, but I want to say that you might as well pass a law to compel grocers to sell sugar in not less than 5-pound packages as to say that the small kegs shall not be used for beer. To those who sustain a loss in

their use they have the alternative of using something else in their place. They can ship their goods in large packages or in bottles, if they so desire. Because they may lose a small keg occasionally is no reason why the small brewer in the country districts should not be permitted to use the small keg if he so desires.

The people who drink beer, the most of them, like to have it freshly drawn from a wooden package. They do not want to use bottled goods and they can not use packages as large as a quarter or a half of a barrel.

Farmers in doing their thrashing and other work where they have a number of men employed very often buy a sixth or an eighth of beer to use on such occasions.

On social and festival occasions very many of our best people make use of this beverage, and there is absolutely no reason why the use of the small package should be prevented and they compelled to use goods bottled by some large concern in the larger cities. A bottling establishment, I am informed, can not be constructed for less than \$2,000. This the small brewer can not afford to invest.

There is absolutely no reason for the adoption of this measure except to favor the large breweries for the purpose of driving out of business the competition which they have in the small breweries located in the country districts. For these reasons I am opposed to this amendment and hope it will be defeated.

Mr. GREEN of Pennsylvania. Mr. Chairman, I desire to enter a protest against this legislation which prevents the one-eighth barrel of beer from being manufactured and sold by reason of the fact that the United States provides no stamps for that quantity. I am well aware that in the first session of this Congress a measure passed this House identical with the proposed amendment. Up to this time it has not been enacted into law; but if the proposed amendment is incorporated into this bill, we who believe in reducing the war taxes to the uttermost cent that it can be done will be obliged to vote for it, and it certainly will be enacted into law.

When I returned to my district I found that the brewers regarded the measure of no particular benefit to them. The hotel and saloon keepers were opposed to it, especially those who sold small quantities of beer, for the reason that before closing for the day they often are obliged to put on tap more beer than they could dispose of before closing, and much spoiled over night or until their business places reopened.

But the greatest objection to the measure was urged by individual citizens who claimed that for many occasions they were obliged to buy more beer than they wanted or do without keg beer, which was generally preferred. Again, there has been no general nor special request from any body of people asking for this legislation. It will require a general readjustment in the business of breweries and occasion, for the time at least, a decided loss from the kegs on hand; and so far as I have been able to understand there is no existing mischief which is to be remedied, and the present law, well understood as it is, works to the general satisfaction of all interests.

The district I represent has a number of breweries in it, and being a community with a large German population, who drink beer instead of whisky, the present law finds no objectors among its people. I hope this amendment will be defeated and no change be made, at least until there is a general demand made by the people for its passage and better reasons than I have heard to-day are given.

The CHAIRMAN. Debate on this amendment is exhausted.

Mr. PAYNE. I move to strike out the last word only for the purpose of saying that, as I understand this, it does not interfere with the business of the small brewers any more than it does with the business of the large ones. The brewers all want it. They want to get rid of these small packages. They say that these small packages are lost, and the waste is so great on them that they want to get rid of them, and they can not get rid of them unless they all do it, and hence they want this legislation.

Mr. FLETCHER. I should like to ask a question.

Mr. BARNEY. Will the gentleman allow me?

Mr. PAYNE. One moment. I wish to speak for a minute without being interrupted. Now, the opposition last year came from some gentlemen who represented the coopers, and the coopers had a lot of these small packages on hand; and it was stated that by putting off the time when the law should go into operation the coopers could be accommodated and could work off their small packages, and it would do nobody any injury. So it was at the suggestion of these gentlemen that the time when the law should go into operation was postponed.

Mr. STEELE. I want to ask the gentleman a question.

Mr. PAYNE. Very well, let the gentleman ask his question.

Mr. STEELE. I want to ask if it is not a fact that it was represented to us by a gentleman from Wisconsin that 92 of the 106 breweries in that State had petitioned for the enactment of this law?

Mr. PAYNE. No; I do not remember that. If the gentleman

says that, he is undoubtedly correct, as he generally is. Now, that is all there is in this amendment that I have introduced.

Mr. FLETCHER. Will the gentleman allow me to ask him one question?

Mr. PAYNE. Oh, certainly.

Mr. FLETCHER. If all these brewers want to get away with these small kegs, why do they not do so?

Mr. PAYNE. If one of them should sell these small packages, and the people want them, they all have to keep using them.

Mr. WILLIAMS of Mississippi. You want Congress to compel them to enter into an agreement?

Mr. PAYNE. I hope we will have a vote on the amendment.

The question was taken; and the Chairman announced that the yeas appeared to have it.

Mr. PAYNE. Division.

The committee divided; and there were—ayes 61, noes 78.

Mr. PAYNE. Tellers, Mr. Chairman.

Tellers were ordered.

The CHAIRMAN. The gentleman from New York, Mr. PAYNE, and the gentleman from Wisconsin, Mr. BARNEY, will please act as tellers.

The committee again divided; and the tellers reported—ayes 85, noes 94.

So the amendment was rejected.

The Clerk read as follows:

SEC. 2. That section 2 of said act is hereby amended so as to read as follows: "SEC. 2. That from and after the passage of this act special taxes shall be, and hereby are, imposed annually as follows, that is to say:

"1. Bankers using or employing a capital not exceeding the sum of \$25,000 shall pay \$50; when using or employing a capital exceeding \$25,000, for every additional \$1,000 in excess of \$25,000, \$2, and in estimating capital surplus shall be included. The amount of such annual tax shall in all cases be computed on the basis of the capital and surplus for the preceding fiscal year. Every person, firm, or company, and every incorporated or other bank having a place of business where credits are opened by the deposit or collection of money or currency subject to be paid or remitted upon draft, check, or order, or where money is advanced or loaned on stocks, bonds, bullion, bills of exchange, or promissory notes, or where stocks, bonds, bullion, bills of exchange, or promissory notes are received for discount or sale shall be a banker under this act: *Provided*, That any savings bank having no capital stock and whose business is confined to receiving deposits and loaning or investing the same for the benefit of its depositors and which does no other business of banking shall not be subject to this tax.

"2. Brokers shall pay \$50. Every person, firm, or company, whose business it is to negotiate purchases or sales of stocks, bonds, exchange, bullion, coined money, bank notes, promissory notes, or other securities for themselves or others, shall be regarded as a broker: *Provided*, That any person having paid the special tax as a banker shall not be required to pay the special tax as a broker.

"3. Pawnbrokers shall pay \$20. Every person, firm, or company whose business or occupation it is to take or receive, by way of pledge, pawn, or exchange, any goods, wares, or merchandise, or any kind of personal property whatever, as security for the repayment of money loaned thereon, shall be deemed a pawnbroker.

"4. Proprietors of bowling alleys and billiard rooms shall pay \$5 for each alley or table. Every building or place where bowls are thrown or where games of billiards or pool are played, and that are open to the public with or without price, shall be regarded as a bowling alley or a billiard room, respectively."

Mr. GAINES. Mr. Chairman, I desire to ask the gentleman from New York [Mr. PAYNE], reporting this bill, if he has reduced this proposed tariff to such an extent as to cut off the appropriation that must be made if the Hanna-Payne ship-subsidy bill became a law? I see no notice whatever of the ship-subsidy bill in the report of the distinguished chairman and his committee. I have with pleasure read his speech and examined into it closely, and I find there nothing on this point, and I should like to know whether he took the ship-subsidy question into consideration in making this bill?

Mr. PAYNE. Does the gentleman ask me a question?

Mr. GAINES. Yes.

Mr. PAYNE. I will say in the first year or two of the ship-subsidy bill the highest estimate of the expense is about \$4,500,000, and we save \$1,500,000 a year we are now paying for carrying the mails; so that the necessary expenditures would be only \$3,000,000. I did not think it worth mentioning a little matter of that kind.

Mr. GAINES. I desire to state to the gentleman from New York that the expense is put at not less than \$9,000,000 a year.

Mr. PAYNE. Not more than \$9,000,000 a year. Do not put it at not less than \$9,000,000.

Mr. GAINES. Then, we will have to pay that out of the revenues of the Government, and this ship bill is to be the law of the land, if passed at all, for twenty years.

Now, Mr. Chairman, the gentleman in his pathetic appeal said he was responding to the cry of the oppressed people of this country in reducing this tax at all, and he regretted that he was not able because of the war expenses and "expenditures" resulting from the war, and not expenditures for ship subsidies, to reduce it more. Not one word is found in his lengthy report, not one syllable is said about the ship-subsidy matter in his speech of several pages in the RECORD; and yet we find the people that support him in this matter, in the House and out of it, are the rich corporations and the rich firms—people, Mr. Chairman, who are able not only to live without subsidies, to build ships without subsidies,

but to carry on the foreign trade without subsidies, and have done it until our trade to-day reaches every civilized market in the world; and yet the gentleman comes here, and his party, and says that he is reducing taxes, forsooth, because the poor people of this country are crying out against this war tax.

Mr. Chairman, I was surprised to find a matter that is before the public—a matter about which he knows that members of Congress are written to every day by the people, that the press is discussing all the time, and the plain people are praying against it, and yet the distinguished gentleman and the equally distinguished committee and his great party are absolutely mute in their speeches in this House and in their report on this subject. Yes, Mr. Chairman, they can reduce the tax, and say they reduce it because the people want it done, and yet they retain \$65,000,000 for the ship-subsidy bill, a measure which he is the great father and defender of upon the floor of this House.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GROSVENOR. Mr. Chairman, there is another omission in the report of the gentleman from New York, and there is another omission in his speech, and a little scheme about the amount of the probable expenditures, not on the ship-subsidy bill, but on a single improvement upon one shoal in the Tennessee River. I am in favor of it.

Mr. GAINES. And I am glad my friend is in favor of it and announces it publicly.

Mr. GROSVENOR. I am, because I am a little broader gauge than the gentleman.

Mr. GAINES. And you say you are in favor of it publicly?

Mr. GROSVENOR. Will the gentleman keep still just once? [Laughter.]

Mr. GAINES. I will.

Mr. GROSVENOR. There is not an estimate upon the Colbert Shoals in the report of the committee. Yet if it is carried to that perfection which I hope it may be, it will take a greater expenditure, net, for the next two years than the entire possibility or reasonable probability of the ship-subsidy bill.

Mr. Chairman, the time, I hope, is coming in this country when the advocates of special interests for special localities, instead of measuring their hope by such a matter as the Tennessee River, will become the champions of an opposition measure calculated to benefit all the people of all the States in this Union.

I would point the gentleman to the great commercial convention recently held, in which delegates from his own State were present, and the statement of one of the distinguished Senators from Alabama that it was the most completely representative body that the South has had since the war, in that it rose to the dignity of American citizenship. They got out of the ruts of mere provincial politics and indorsed the very scheme by name that the gentleman has so bitterly denounced. It is a good sign, Mr. Chairman, when the representatives of a great section get bigger, larger, more patriotic, more American than the individual member of a single delegation, who has imperiled possibly his own best interests by assailing the interests of other people. [Applause.]

Mr. FITZGERALD of New York. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Strike out, on page 4, lines 1 to 6, inclusive.

Mr. FITZGERALD of New York. Mr. Chairman, this amendment provides for the elimination of the taxes imposed on pool and billiard tables and bowling alleys. I offer this amendment because a great many associations which have been formed for the purposes of enabling men to meet socially for their mutual improvement are supplied with pool and billiard tables and bowling alleys. For some years I have been active in young men's associations, both in my own city and throughout the country. These societies are organized and exist, not for the purpose of making money, but in order to bring young men into a better moral atmosphere and away from corrupt companions and environments. It is for their moral improvement and advancement. The tax gathered under the section of this bill amounted in 1899 to \$428,423.87. In 1900 the amount collected was \$368,733.66, a reduction of \$61,690.21. These figures are taken from the report of the Commissioner of Internal Revenue for the present year. Considered in connection with the entire amount collected under this act, this is an insignificant sum; yet many associations with two or three pool and billiard tables, besides a bowling alley, have found the \$20 or \$25 paid yearly under the provisions of this act to be a heavy burden when added to their ordinary expenses. I trust the chairman of the committee will agree to this proposition. Every young man's association, every Christian young men's association, every social organization of every kind is subjected to this tax. It is a tax upon the instrumentalities of morality and virtue—unjustifiable, unreasonable, and unwise.

Mr. PAYNE. Will the gentleman allow me a question?

Mr. FITZGERALD of New York. Certainly.

Mr. PAYNE. Would it not answer the gentleman's purpose if

we simply exempted all the religious billiard tables and bowling alleys of the country? [Laughter.]

Mr. FITZGERALD of New York. I never knew of a religious bowling alley, though the gentleman may have some in his district. But I say that the pool table and the billiard table are not things that should be taxed. They are used to bring people where their associations and surroundings will be better and more elevating, and it is not well to hinder or to place obstacles in the way of such gatherings. I trust that my friend from New York [Mr. PAYNE] will concur in this amendment.

Mr. PAYNE. Mr. Chairman, this item simply brings in about \$44,000 a year, instead of \$366,000, as the gentleman states. The committee left it in, thinking that the business could afford to pay, and that it was one of the things that should be left in.

The CHAIRMAN. All debate has been exhausted on this amendment.

Mr. FITZGERALD of Massachusetts. Mr. Chairman, I move to strike out the last word. I wish to ask the gentleman from New York if this is not a tax upon every association, organization, whether religious or not, that has a billiard table or bowling alley on its premises?

Mr. PAYNE. Oh, I do not understand it is confined to any religious organization or association.

Mr. FITZGERALD of Massachusetts. Do not these associations have to pay the tax?

Mr. PAYNE. I do not know of any religious association that has billiard tables and pool tables, but if they do they ought to pay the tax.

Mr. FITZGERALD of Massachusetts. I understand that a great many organizations formed to safeguard the morals of young men have billiard tables and bowling alleys on their premises. These are harmless amusements, particularly when used as agents to improve the morals of our young men, and I do not think they should be taxed. We take the tax off theaters and music halls, why not off these innocent amusements? I withdraw my amendment.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn. The question now is on agreeing to the amendment offered by the gentleman from New York [Mr. FITZGERALD].

The question was taken, and on a division (demanded by Mr. FITZGERALD of New York and Mr. FITZGERALD of Massachusetts) there were 24 ayes and 81 noes.

So the amendment was not agreed to.

Mr. NEWLANDS. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Add after line 12, on page 3, the following:

"That every person, firm, corporation, or company engaged in manufacture whose gross annual receipts exceed \$500,000 shall be subject to pay annually at the end of each fiscal year a special excise tax equivalent to one-tenth of 1 per cent on the gross amount of all receipts of such persons, firms, corporations, and companies in their respective business in excess of said sum of \$500,000. True and accurate returns of the amount of such gross receipts shall be made and rendered yearly by each of such associations, corporations, and companies, as in the case of refiners of petroleum and sugar. Such returns shall include such data as to capital, surplus, operating expenses, wages, taxes, national or State, as the Commissioner of Internal Revenue shall prescribe. Such returns shall be classified and published by the Commissioner of Internal Revenue in his annual report."

Mr. PAYNE. I move that all debate on this section, and amendments thereto, be concluded in ten minutes.

Mr. NEWLANDS. I object.

Mr. PAYNE. I make that motion.

The question being taken, the motion of Mr. PAYNE was agreed to, there being—ayes 99, noes 83.

Mr. NEWLANDS. Mr. Chairman, the purpose of this amendment is to impose an additional tax upon corporations and other branches of industry which now bear no part of the burden of the war taxes—the great trusts and combinations of the country. It declares that all manufacturers whose gross receipts exceed \$500,000 annually shall pay a tax of 1 per cent on such receipts. In this connection, let me state that upon gross receipts of \$1,000,000 such a corporation would pay a tax of \$1,000. The amendment provides also that these corporations shall make returns, which shall be published, containing such statistical information as will be a guide to Congress in future legislation.

Mr. Chairman, I hope that this additional tax will be imposed. It will not raise in the aggregate more than a million or two of dollars; and it will relieve to some extent the stamp taxes which this bill in subsequent parts proposes to continue.

There is a precedent for legislation of this kind in this very bill. In the section now under consideration bank capital is made a subject of taxation. There is imposed a tax of one-fourth of 1 per cent upon all banking capital and surplus over \$25,000. On bank capital alone \$3,000,000 of taxation annually is raised, both under the Dingley bill and under the proposed Payne bill.

There was also a tax of this kind imposed by the Dingley war revenue upon one class of combinations or trusts; that is, the refiners of petroleum and sugar. Upon them a tax was imposed,

not of one-tenth of 1 per cent as I propose in this case, but a tax of one-fourth of 1 per cent upon gross receipts exceeding \$250,000. That tax is continued in the Payne bill, and under it over \$1,000,000 is annually secured from refiners of petroleum and sugar.

Mr. TAWNEY. Does this proposed amendment apply to corporations only, or does it apply to capital generally?

Mr. NEWLANDS. It applies to all associations, firms, or individuals whose transactions exceed \$500,000 per annum, just as the clause relating to the refiners of petroleum and sugar applies to all persons, firms, and corporations refining sugar or petroleum. Under the tax to which I have just referred upon petroleum and sugar we have gained a revenue of \$1,000,000 per annum, the provision for which is retained in this bill.

My purpose in this amendment is partly to obtain a revenue from this tax and also to provide the machinery for securing information which will enable Congress in the future to act intelligently upon this question. Publication of these returns by the Commissioner of Internal Revenue is provided for, corresponding with the publication which is made of the statements of the banks by the Comptroller of the Currency and of the statements of the railroads by the Interstate Commerce Commission. In those published reports data have been given in full detail which have been of assistance not only in framing legislation regarding banking and railroading, but also to those interests themselves, tending to develop the science of both.

This amendment is not offered in any hostile spirit. It will impose upon these great trusts and combinations a total tax not exceeding a million or two. At the same time it will enable us to obtain information upon which we can act intelligently in the future in legislation relating both to the taxation and regulation of these industrial combinations. There is hardly an economic writer who does not insist that publicity is the first thing to be secured.

Mr. PAYNE. Mr. Chairman, I do not think it necessary to discuss this amendment at any great length. It is true that there were two cases of special taxation provided for in the war-revenue bill. Those were put in by an amendment offered in the Senate, and when they came to the committee of conference they were acquiesced in. I remember making a remark at that time to my associates on the conference committee that they knew, and I knew, that if this tax should be imposed the people who were expected to pay it would simply put up the price of sugar and petroleum enough to reimburse themselves for the tax which they paid and allow them besides a handsome profit. No doubt such has been the case. I have no doubt that those interests that have been required to pay this tax have collected from their customers more than the amount which they have paid over to the United States in the form of taxation. But that is one of those taxes that there is no use trying to get out of the bill. It is in there. It has produced \$1,000,000 a year. If it has been a burden to those interests, they can of course stand it better than anybody else.

Now, the gentleman from Nevada comes here with a proposition to tax every manufacturing concern in the country, not a fifth of 1 per cent, but a tenth of 1 per cent. And his idea of a trust or combination seems to be that where a manufacturing concern produces more than \$500,000 worth of any given commodity during a year it is a trust or combination. I do not know but that this is as good a definition of a trust as that I heard given on the stump by a member of the gentleman's party, who declared his belief that "a trust is a combination of capital that we are not in." Of course, as a rule, when gentlemen undertake to define a "trust" they seem to have a very vague and indefinite idea, just as they have when they undertake to discuss it.

But, Mr. Chairman, here is a tax brought in on a bill which is intended to reduce taxation. The gentleman from Nevada [Mr. NEWLANDS] says it will produce \$1,000,000 or \$2,000,000. Why, he has no conception of the vast business of this country when he speaks of one million or two millions as the product of such a tax. He has signed a report recommending that we ought to reduce taxation by \$70,000,000, under the bill we are now considering, and yet he comes in and proposes to add a tax, as he says, of \$1,000,000 or \$2,000,000. He says one or two millions will be the amount of the revenue produced by the amendment, but I say five or ten, and we are both making mere guesses, because it may be more than either of us can imagine. And why, Mr. Chairman, should we adopt such a proposition? The idea seems to me to be preposterous. Do not gentlemen understand the object and spirit of the bill we are considering? We are removing war-revenue taxation as far as it is safe and possible to remove it at the present time. He says that these people do not pay taxes. Well, he is greatly mistaken about that. If he will come into the State of New York, I will show him that these people are paying just as large a proportion of taxes as anybody else.

Mr. NEWLANDS. I referred to revenue taxes.

Mr. PAYNE (continuing). By the franchise-tax law, passed recently in New York, these people are paying really more than their share of taxes. That law works against the corporations.

Mr. FITZGERALD of Massachusetts. And that law is unconstitutional.

Mr. PAYNE (continuing). It works against persons engaged in this class of business. By this amendment an additional hardship would be imposed.

Mr. Chairman, I hope the amendment, for it is scarcely necessary to discuss it further, and all others that tend to increase taxation under the bill will be voted down.

Mr. NEWLANDS. Mr. Chairman, I ask unanimous consent that the debate be extended for five minutes longer for the purpose of enabling me to answer the gentleman from New York.

Mr. PAYNE. Oh, well, I must object to that, Mr. Chairman.

Mr. NEWLANDS. You have made statements which are absolutely unfounded, and I want to answer them.

Mr. PAYNE. Oh, well, they will go into the RECORD, and I will meet that issue when they come.

The CHAIRMAN. Debate upon the amendment is exhausted and the question is on agreeing to the amendment suggested by the gentleman from Nevada.

The question was taken; and there were—yeas 90, nays 119.

So the amendment was rejected.

Mr. TOMPKINS. Mr. Chairman, I offer the amendment I send to the desk.

The amendment was read, as follows:

Insert at the end of subdivision 4, section 2, the following:

"Excepting, however, from the provisions of this subdivision Young Men's Christian Associations and social clubs and associations that do not conduct bowling alleys or billiard rooms for hire."

The question was taken; and the amendment was rejected.

The Clerk read as follows:

SEC. 3. That section 3 of said act is hereby amended by striking out the words "and sixty cents," in the first paragraph, after the words "three dollars," and before the words "per thousand on cigars," so that said section, as amended, shall read as follows:

"TOBACCO, CIGARS, CIGARETTES, AND SNUFF.

"SEC. 3. That there shall, in lieu of the tax now imposed by law, be levied and collected a tax of 12 cents per pound upon all tobacco and snuff, however prepared, manufactured, and sold, or removed for consumption or sale; and upon cigars and cigarettes which shall be manufactured and sold or removed for consumption or sale there shall be levied and collected the following taxes, to be paid by the manufacturer thereof, namely, a tax of \$3 per thousand on cigars of all descriptions made of tobacco or any substitute therefor and weighing more than 3 pounds per thousand, and of \$1 per thousand on cigars made of tobacco or any substitute therefor and weighing not more than 3 pounds per thousand; and a tax of \$3.60 per thousand on cigarettes made of tobacco or any substitute therefor and weighing more than 3 pounds per thousand; and \$1.50 per thousand on cigarettes made of tobacco or any substitute therefor and weighing not more than 3 pounds per thousand: *Provided*, That in lieu of the 2, 3, and 4 ounce packages of tobacco and snuff now authorized by law there may be packages thereof containing 1½ ounces, 2½ ounces, and 3½ ounces, respectively, and in addition to packages now authorized by law there may be packages containing 1 ounce of smoking tobacco.

"And there shall also be assessed and collected, with the exceptions hereinafter in this section provided for, upon all the articles enumerated in this section which were manufactured, imported, and removed from factory or custom-house before the passage of this act, bearing tax stamps affixed to such articles for the payment of the taxes thereon and canceled subsequent to April 14, 1898, and which articles were at the time of the passage of this act held and intended for sale by any person, a tax equal to one-half the difference between the tax already paid on such articles at the time of removal from the factory or custom-house and the tax levied in this act upon such articles.

"Every person having, on the day succeeding the date of the passage of this act, any of the above described articles on hand for sale in excess of 1,000 pounds of manufactured tobacco and 20,000 cigars or cigarettes, and which have been removed from the factory where produced or the custom-house through which imported, bearing the rate of tax payable thereon at the time of such removal, shall make a full and true return, under oath, in duplicate, of the quantity thereof, in pounds as to the tobacco and snuff and in thousands as to the cigars and cigarettes so held on that day, in such form and under such regulations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, may prescribe. Such returns shall be made and delivered to the collector or deputy collector for the proper internal-revenue district within thirty days after the passage of this act. One of said returns shall be retained by the collector and the other forwarded to the Commissioner of Internal Revenue, together with the assessment list for the month in which the return is received, and the Commissioner of Internal Revenue shall assess and collect the taxes found to be due, as other taxes not paid by stamps are assessed and collected.

"And for the expense connected with the assessment and collection of the taxes provided by this act there is hereby appropriated the sum of \$100,000, or so much thereof as may be required, out of any moneys in the Treasury not otherwise appropriated, for the employment of such deputy collectors and other employees in the several collection districts in the United States, and such clerks and employees in the Bureau of Internal Revenue as may, in the discretion of the Commissioner of Internal Revenue, be necessary, for a period not exceeding one year, to be compensated for their services by such allowances as shall be made by the Secretary of the Treasury upon the recommendation of the Commissioner of Internal Revenue. And the Commissioner of Internal Revenue is authorized to employ ten agents, to be known and designated as internal-revenue agents, in addition to the number now authorized in section 3152 of the Revised Statutes as amended, and the existing provisions of law in all other respects shall apply to the duties, compensation, and expenses of such agents."

Mr. KITCHIN. Mr. Chairman, I offer the amendment I send to the desk.

The Clerk read as follows:

In line 14, page 4, strike out "twelve" and insert in lieu thereof the word "six."

Mr. KITCHIN. Mr. Chairman, the gentleman from New York [Mr. PAYNE] has expressed the desire that all propositions looking to an increase of revenue shall be voted down. I therefore

hope the gentleman will not interpose serious objection to this proposition which will reduce revenue by decreasing the tax on manufactured tobacco and snuff.

The members of the House know that the tax prior to the war with Spain was 6 cents a pound on manufactured tobacco and snuff. The war-revenue act increased that to 12 cents a pound. The tobacco as it goes from the farmer's hands is worth, on an average, only about 6 cents a pound, and the present tax is double the value of the raw material which our farmers produce and place upon the market.

In 1890 the production of tobacco in this country was estimated by the Department to be a little over 500,000,000 pounds, and it was estimated to be worth something over 8 cents a pound to the producers. This of course includes the coarse tobacco of other States, as well as the bright tobacco of Virginia and Carolina. The last estimate prepared by the Agricultural Department for tobacco was for the crop of 1896, and placed the amount at 400,000,000 pounds and the average value at about 6 cents a pound.

In my judgment the entire tax upon manufactured chewing tobacco should be removed in the interest of the great agricultural class engaged in the production of tobacco, but as we are revising the war-revenue law and have no reasonable grounds to hope for the abolishment of the entire tax upon tobacco by this Congress, I ask this House to fix the tax upon it at the rate that it carried prior to the war with Spain. I think this tax in any view acts injuriously upon the producer of tobacco just as a heavy tax upon beef and mutton would hurt the sheep and cattle growers. I do not attribute the entire decline in the price of leaf tobacco to taxation, though in my judgment these taxes are a great burden upon the farmers as well as the consumers of tobacco. Abolish the taxes on plug tobacco, and then farmers who so desire will manufacture their own tobacco, for the manufacture of plug tobacco is a simple process. Small manufactories will spring up in every tobacco-growing community. The tobacco trust will then have serious competition, and the result will be greatly beneficial to that great and worthy part of our population engaged in the cultivation of tobacco.

Mr. Chairman, I congratulate the people of this country that they are going to be relieved from so many of these stamp taxes. This bill destroys the vexatious taxes on notes, duebills, checks, drafts, deeds, mortgages, and medicines. The country will rejoice at this. Many of the stamp taxes are completely abolished in this bill. It reduces the taxes upon cigars and upon beer, but upon manufactured tobacco and snuff it offers no reduction whatever. Since it is admitted, or at least satisfactorily proven to my mind, that the revenues of the country can safely stand a reduction of \$70,000,000, even upon the basis of the large estimates of next year's expenses sent us from the Executive Departments, it seems to me that the House can well afford, in the interest of agriculture, to reduce this tobacco tax to 6 cents, which will amount to a reduction in the revenues of about \$9,000,000. The entire revenue collected during the fiscal year ending June 30, 1900, from manufactured tobacco and snuff was about \$17,000,000, and this amendment that I offer will cut that amount in two, making the tax 6 cents instead of 12 cents per pound, and will accomplish a reduction of about \$9,000,000.

[Here the hammer fell.]

Mr. PAYNE. Mr. Chairman, all I wish to say in reference to this is that the report of the Commissioner of Internal Revenue shows that this little amendment, taking off half of this tax on tobacco and snuff, will make a reduction of \$17,500,000, which would make the total reduction in the bill some \$57,000,000. That, of course, would go beyond anything that the committee have believed could be done in the matter of the reduction of taxation. If we were going to make a big cut like that, we should not put it all on tobacco. There are other interests that we should look after. I hope the amendment will be voted down.

The question being taken on the amendment, the Chairman announced that the yeas appeared to have it.

Mr. KITCHIN demanded a division.

The committee divided; and there were—yeas 79, noes 106.

Accordingly the amendment was rejected.

Mr. McDERMOTT. Mr. Chairman, I offer the amendment which I send to the Clerk's desk.

The amendment was read, as follows:

In line 14, page 4, strike out "twelve" and insert "one."

Mr. McDERMOTT. Mr. Chairman, if the view of the minority is correct, that this bill is scaled to meet the appropriations that will be made during its life, then this amendment would produce a deficiency. The proposition that the people of this country are to be called upon to contribute a revenue of \$700,000,000 for the support of this Government means that when these figures are added to State and municipal taxation the people of this country, in upholding the spirit of taxation which involves the right to destroy, are approaching the line of confiscation.

My comment upon this bill is that it would be far better that you should have a deficiency than that you should have a surplus

created by the hand of taxation. Reduce the expenses of this Government to the standard of proper economy and no such taxation as this will be necessary.

Let me instance to the majority of this House one of the avenues in which this money is to be expended. The President of the United States within a month appointed a gentleman in New Jersey to an office having a salary of \$2,000 a year, an assistant collector in Jersey City. That gentleman openly stated that he would contribute that salary to the Republican committee of Hudson County in that State. Knowing the financial ability of that gentleman, I was certain that if he gave his time to the office he could not afford to make to the Republican committee a gift of the salary. So I investigated, and I call upon the gentleman from New York [Mr. PAYNE], whose name fathers this bill, to make further investigation. I investigated to find out what were the duties to be performed for that \$2,000, and I say to you, sir, that during the next four years that man will not have one hour of labor to perform. During the past four years not one hour of labor has been performed in that office.

Now, if that instance, which is called into public notoriety by the fact that the occupant of the office makes a contribution of his entire salary to the Republican campaign fund—if that illustrates the manner in which the \$700,000,000 is to be expended, then I warn you to remember that the people of this country have intelligence enough, when a few more flagrant instances of that kind have been called to their attention, to strike down this method of taxing them and appropriating their money. I am willing to vote every dollar necessary to subdue the Filipinos, every dollar necessary under the laws, with decent economy, to conduct every department of this Government; but I am unwilling to take from the people of this country money under an official sanction that is official robbery in order that it may contribute to partisan campaign funds. [Applause on the Democratic side.]

Mr. PAYNE. The tax on tobacco before the war-revenue bill was 6 cents a pound. Under the war-revenue bill it is 12 cents a pound. The gentleman from New Jersey has found some man somewhere not earning a salary of \$2,000, and to even up things he wants to take off \$32,000,000 and make the tax 1 cent a pound on tobacco. I do not believe any gentleman on his side will vote with him.

Mr. McDERMOTT. If there is \$2,000 in one State of the size of New Jersey, multiply it by the Union and you will find it is about \$32,000,000. [Applause on the Democratic side.]

The question was taken; and the amendment was rejected.

The Clerk read as follows:

SEC. 5. That section 9 of said act is hereby amended by striking out the word "Provided," and words following to the end of the section; so that the section as amended shall read as follows:

"SEC. 9. That in any and all cases where an adhesive stamp shall be used for denoting any tax imposed by this act, except as hereinafter provided, the person using or affixing the same shall write or stamp thereupon the initials of his name and the date upon which the same shall be attached or used, so that the same may not again be used. And if any person shall fraudulently make use of an adhesive stamp to denote any tax imposed by this act without so effectually canceling and obliterating such stamp, except as before mentioned, he, she, or they shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not less than \$50 nor more than \$500, or be imprisoned not more than six months, or both, at the discretion of the court."

Mr. GAINES. Mr. Chairman, I move to strike out the last word. A few moments ago, for the purpose of obtaining information, I asked the distinguished chairman who reported this bill if the \$65,000,000 that will be left after the passage of this bill will be appropriated to the paying of our ship subsidy if it becomes a law. The gentleman's reply to that question was, I think, that we would save about a million of dollars in carrying the mail. That was his reply to the question. Now, Mr. Chairman, I desire to read on this point from the RECORD, page 57, from the elaborate speech made by Senator FRYE, who reports this bill to the Senate:

There is a limitation of \$9,000,000; no more than that sum can be expended in any one year. So far as the cost to the Government is concerned, it is practically \$7,500,000, because these ships are required to carry the mails without charge. I think last year the mail pay was about \$1,400,000, and in a year or two years it will amount certainly to the \$1,500,000.

So taking that, Mr. Chairman, as a criterion we have \$7,500,000 which we pay to carry the mails, which cost us now \$1,400,000, and that is what we will get for the ship-subsidy outlay.

Now, Mr. Chairman, as a matter of fact, this bill provides for the payment annually of \$9,000,000, not simply for one year, but for twenty years. It does not even stop there; and we have the very best authority that can be had that it will not stop there. The Journal of Commerce of December 11, published in New York, says:

II. The limitation of the amount to be disbursed to \$9,000,000 is a deception. At the hearing before the House committee the chairman, General GROSVENOR, said: "I presume that we may assume that if the \$9,000,000 is exhausted and the result has been very beneficial that our successors will have intelligence enough to increase."

"Undoubtedly," interrupted ex-Senator Edmunds, the attorney for the shipbuilders.

The North American of to-day contains the same statement.

Mr. Chairman, while in the Senate Mr. Edmunds was a great foe to the ship-subsidy bills we have had heretofore. He is now the employed counsel in this matter, the press states. Now, the point of my inquiry was, Why is it that such an insidious bill, such an insidious expense, should be hovering over this Congress without an explanation of the distinguished gentleman who reported this bill. Instead of him replying, I find the gentleman from Ohio [Mr. GROSVENOR]—the mouthpiece for everything upon that side of the House—rising up here and saying that I am endangering the proposed appropriation by the River and Harbor Committee for the Tennessee River. I want to say, Mr. Chairman, that the Tennessee River project has been reported upon by the sworn officers of this Government, and I want to say that before a cent will be paid for the digging out of this river and opening her commerce to the world it will be sanctioned by a man of brains, courage, and intelligence—the gentleman from Ohio [Mr. BURTON] of the Rivers and Harbors Committee—and his splendid colleagues. Let all this be as it may, I shall never bow to what I think is wrong, here or elsewhere, nor surrender principle for pelf for my people, who honor me with a high office I try fearlessly and conscientiously to fill.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES. I want to say in conclusion—

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

SEC. 8. That section 13 of said act is hereby amended by striking out the words "Schedule A of," and also by inserting in the first proviso, after the words "bonds, debentures, or certificates of stock or of indebtedness," the words "or any instrument, document, or paper of any kind or description whatsoever mentioned in Schedule A of this act;" so that said section as amended shall read as follows:

"SEC. 13. That any person or persons who shall register, issue, sell, or transfer, or who shall cause to be issued, registered, sold, or transferred, any instrument, document, or paper of any kind or description whatsoever mentioned in this act without the same being duly stamped, or having thereupon an adhesive stamp for denoting the tax chargeable thereon, and canceled in the manner required by law, with intent to evade the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding \$50, or by imprisonment not exceeding six months, or both, in the discretion of the court; and such instrument, document, or paper, not being stamped according to law, shall be deemed invalid and of no effect: *Provided*, That hereafter, in all cases where the party has not affixed to any instrument the stamp required by law thereon at the time of issuing, selling, or transferring the said bonds, debentures, or certificates of stock or of indebtedness, or any instrument, document, or paper of any kind or description whatsoever mentioned in Schedule A of this act, and he or they, or any party having an interest therein, shall be subsequently desirous of affixing such stamp to said instrument, or, if said instrument be lost, to a copy thereof, he or they shall appear before the collector of internal revenue of the proper district, who shall, upon the payment of the price of the proper stamp required by law, and of a penalty of \$10, and, where the whole amount of the tax denoted by the stamp required shall exceed the sum of \$50, on payment also of interest at the rate of 6 per cent on said tax from the day on which such stamp ought to have been affixed, affix the proper stamp to such bond, debenture, certificate of stock or of indebtedness, or copy, and note upon the margin thereof the date of his so doing and the fact that such penalty has been paid; and the same shall thereupon be deemed and held to be as valid to all intents and purposes as if stamped when made or issued: *And provided further*, That where it shall appear to said collector upon oath or otherwise, to his satisfaction, that any such instrument has not been duly stamped at the time of making or issuing the same by reason of accident, mistake, inadvertence, or urgent necessity, and without any willful design to defraud the United States of the stamp, or to evade or delay the payment thereof, then and in such case, if such instrument, or, if the original be lost, a copy thereof, duly certified by the officer having charge of any records in which such original is required to be recorded or otherwise duly proven to the satisfaction of the collector, shall, within twelve calendar months after the making or issuing thereof, be brought to the said collector of internal revenue to be stamped, and the stamp tax chargeable thereon shall be paid, it shall be lawful for the said collector to remit the penalty aforesaid and to cause such instrument to be duly stamped. And when the original instrument or a certified or duly proven copy thereof, as aforesaid, duly stamped so as to entitle the same to be recorded, shall be presented to the clerk, register, recorder, or other officer having charge of the original record, it shall be lawful for such officer, upon the payment of the fee legally chargeable for the recording thereof, to make a new record thereof, or to note upon the original record the fact that the error or omission in the stamping of said original instrument has been corrected pursuant to law; and the original instrument or such certified copy, or the record thereof, may be used in all courts and places in the same manner and with like effect as if the instrument had been originally stamped: *And provided further*, That in all cases where the party has not affixed the stamp required by law upon any such instrument issued, registered, sold, or transferred at a time when and at a place where no collection district was established, it shall be lawful for him or them, or any party having an interest therein, to affix the proper stamp thereto, or, if the original be lost, to a copy thereof. But no right acquired in good faith before the stamping of such instrument, or copy thereof, as herein provided, if such record be required by law, shall in any manner be affected by such stamping as aforesaid."

Mr. PAYNE. Mr. Chairman, I offer an amendment, simply to perfect the text.

The Clerk read as follows:

Insert in line 21, page 10, after the word "copy," the following: "or instrument, document, or paper of any kind or description whatsoever mentioned in Schedule A of this act."

The amendment was agreed to.

Mr. PAYNE. In line 1, page 11, where the word "and" should appear it is "ana." I ask an amendment correcting that.

The CHAIRMAN. Without objection, the Clerk will correct the typographical error.

The Clerk read as follows:

SEC. 7. That Schedule A of said act is hereby amended so as to read as follows:

"SCHEDULE A.

"STAMP TAXES.

"Bonds, debentures, or certificates of indebtedness issued after the 1st day of July, A. D. 1898, by any association, company, or corporation, on each \$100 of face value or fraction thereof, 5 cents, and on each original issue, whether on organization or reorganization, of certificates of stock by any such association, company, or corporation, on each \$100 of face value or fraction thereof, 5 cents, and on all sales, or agreements to sell, or memoranda of sales or deliveries or transfers of shares or certificates of stock in any association, company, or corporation, whether made upon or shown by the books of the association, company, or corporation, or by any assignment in blank, or by any delivery, or by any paper or agreement or memorandum or other evidence of transfer or sale whether entitling the holder in any manner to the benefit of such stock, or to secure the future payment of money or for the future transfer of any stock, on each \$100 of face value or fraction thereof, 2 cents: *Provided*, That in case of sale where the evidence of transfer is shown only by the books of the company the stamp shall be placed upon such books; and where the change of ownership is by transfer certificate the stamp shall be placed upon the certificate; and in cases of an agreement to sell or where the transfer is by delivery of the certificate assigned in blank there shall be made and delivered by the seller to the buyer a bill or memorandum of such sale, to which the stamp shall be affixed; and every bill or memorandum of sale or agreement to sell before mentioned shall show the date thereof, the name of the seller, the amount of the sale, and the matter or thing to which it refers. And any person or persons liable to pay the tax as herein provided, or anyone who acts in the matter as agent or broker for such person or persons, who shall make any such sale, or who shall in pursuance of any such sale deliver any such stock, or evidence of the sale of any such stock or bill or memorandum thereof, as herein required, without having the proper stamps affixed thereto, with intent to evade the foregoing provisions, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not less than five hundred nor more than one thousand dollars, or be imprisoned not more than six months, or both, at the discretion of the court.

"Upon each sale, agreement of sale, or agreement to sell, any products or merchandise at any exchange, or board of trade, or other similar place, either for present or future delivery, for each \$100 in value of said sale or agreement of sale or agreement to sell, 1 cent, and for each additional \$100 or fractional part thereof in excess of \$100, 1 cent: *Provided*, That on every sale or agreement of sale or agreement to sell as aforesaid there shall be made and delivered by the seller to the buyer a bill, memorandum, agreement, or other evidence of such sale, agreement of sale, or agreement to sell, to which there shall be affixed a lawful stamp or stamps in value equal to the amount of the tax on such sale. And every such bill, memorandum, or other evidence of sale or agreement to sell shall show the date thereof, the name of the seller, the amount of the sale, and the matter or thing to which it refers; and any person or persons liable to pay the tax as herein provided, or anyone who acts in the matter as agent or broker for such person or persons, who shall make any such sale or agreement of sale, or agreement to sell, or who shall, in pursuance of such sale, or agreement of sale, or agreement to sell, deliver any such products or merchandise without a bill, memorandum, or other evidence thereof as herein required, or who shall deliver such bill, memorandum, or other evidence of sale, or agreement to sell, without having the proper stamps affixed thereto, with intent to evade the foregoing provisions, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall pay a fine of not less than five hundred nor more than one thousand dollars, or be imprisoned not more than six months, or both, at the discretion of the court.

"Freight: It shall be the duty of every railroad or steamboat company, carrier, or corporation, or person whose occupation is to act as such (except express companies, or persons, corporations, or companies doing an exclusive express business) to issue to the shipper or consignor, or his agent, or person from whom any goods are accepted for transportation a bill of lading, manifest, or other evidence of receipt and forwarding for each shipment received for carriage and transportation, whether in bulk or in boxes, bales, packages, bundles, or not so inclosed or included; and there shall be duly attached and canceled, as is in this act provided, to each of said bills of lading, manifests, or other memorandum, and to each duplicate thereof, a stamp of the value of 1 cent: *Provided*, That but one bill of lading shall be required on bundles or packages of newspapers when inclosed in one general bundle at the time of shipment. Any failure to issue such bill of lading, manifest, or other memorandum, as herein provided, shall subject such railroad or steamboat company, carrier, or corporation or person to a penalty of \$50 for each offense, and no such bill of lading, manifest, or other memorandum shall be used in evidence unless it shall be duly stamped as aforesaid.

"Certificate of profits, or any certificate or memorandum showing an interest in the property or accumulations of any association, company, or corporation, and on all transfers thereof, on each \$100 of face value or fraction thereof, 2 cents.

"Entry of any goods, wares, or merchandise at any custom-house, either for consumption or warehousing, not exceeding \$100 in value, 25 cents.

"Exceeding \$100 and not exceeding \$500 in value, 50 cents.

"Exceeding \$500 in value, \$1.

"Entry for the withdrawal of any goods or merchandise from customs bonded warehouse, 50 cents."

Mr. HENRY C. SMITH. Mr. Chairman, the amendment which I desire to offer has been sent up to the desk.

The Clerk read as follows:

Strike out in line 17, page 15, all after the word "freight" to and including line 13 on page 16, and insert in lieu thereof the following:

"Express and freight: It shall be the duty of every railroad or steamboat company, carrier, express company, or corporation, or person whose occupation is to act as such, to make within the first fifteen days of each month a sworn statement to the collector of internal revenue in each of their respective districts, stating the number of shipments received for carriage and transportation, whether in bulk or in boxes, bales, packages, bundles, or not so inclosed or included, for which any charge whatsoever has been made, and for each of such shipments received for carriage and transportation the said railroad or steamboat company, carrier, express company, or corporation, or person whose occupation it is to act as such, shall pay a tax of 1 cent: *Provided*, That but one payment of said tax shall be required on bundles or packages of newspapers when inclosed in one general bundle at the time of shipment."

Mr. HENRY C. SMITH. Mr. Chairman, this amendment in substance contains the language used in reference to the telephone companies, and in the original draft of the bill there was no reason, I submit, why the same language should not have been used in reference to telegraph companies, express companies, and railroad com-

panies that was used in reference to telephone companies. This amendment in substance requires express companies within the first fifteen days of the month to file a statement of all the bills issued by that company and to pay the 1 cent on each bill.

Now, so far the express companies and telegraph companies have escaped their patriotic duty to pay a part of this war tax, and I submit that it is a humiliation to this House that we can not pass a law which will compel these great corporations to bear their fair share of the burdens of taxation. I want to urge, too, that the president of one of these great companies was a member of the other branch of this legislative body where this particular language was put into the original bill, and this company was notified from the beginning not to pay any of these taxes, but the railroad companies and other express companies rose to their patriotic duty and paid the tax and submitted to the exaction.

Now, I appeal to this House to compel these express companies and telegraph companies to do what the railroad companies voluntarily did do, obey the law, and they can not escape from this act. It is an act introduced into this House by the gentleman from Wisconsin [Mr. DAVIDSON], and a careful consideration will show that when this amendment is adopted these express companies will be compelled to pay 1 penny on every bill.

Mr. TAWNEY. Why not require all corporations to make a similar return to the Commissioner of Internal Revenue and collect the tax if we need the revenue, and if we do not, why impose it at all?

Mr. HENRY C. SMITH. Because the others can be caught in the usual way, but this fish is so slippery that we have to have a net of this kind. [Laughter.]

Mr. MOODY of Massachusetts. Will the gentleman allow me a question?

Mr. HENRY C. SMITH. Certainly.

Mr. MOODY of Massachusetts. The gentleman is dealing with the express question as if there were but the large express companies. I would like to call his attention to the fact that in some sections of the country there are many small express companies, and a tax of 1 cent on each package is ruinous to those companies.

Mr. HENRY C. SMITH. In my city there are three express companies, and two of them pay their tax voluntarily; but the United States Express Company only holds out. The small express companies are willing to pay the tax.

Mr. MOODY of Massachusetts. Willing to pay a tax of this amount?

Mr. HENRY C. SMITH. Well, if they are not willing to, they ought to be made to pay.

Mr. PAYNE. Mr. Chairman, if we impose this tax on the express companies, they will simply add it to their rate of freight. They will do so because they can not pay the big tax that would be exacted from them and still continue to do business. This is so especially of one of the great companies doing business in this country. It is too severe a tax on them for their business to stand it. They would simply put it back in additional charges on the people who send packages by express.

Now, the railroad companies ship in large quantities and not in small packages. There are hundreds and thousands of express packages in comparison to the same weight in packages shipped by freight, and which go in the cars. A receipt is given for a carload, or it may be a half a dozen carloads, and 1 cent is paid upon that. As I understand, the average of express packages is 25 cents, and a tax of 1 cent amounts to 4 per cent on the gross receipts; and what business is there that can stand a tax of 4 per cent on its gross receipts?

The same is true in regard to telegraph companies.

Now, the committee considered all this. They considered the fact that this tax was not grievous or burdensome to the railroad companies, while if we tried to put it onto the express companies they would be forced to add it to their rates in order to get it out of the consumers. Then there were the small express companies in the United States, companies that started in to pay the tax instead of charging it to the customers, when they found that they would be ruined by the amount of the tax.

I was sorry that the gentleman from Michigan should have made a personal allusion to anybody's business in the Senate in connection with this matter. It was an unparliamentary allusion—alluding to a Senator and his action, and saying that he is interested in a particular direction upon a particular bill—and I hope the gentleman will not be guilty of it again.

I hope the amendment will not prevail, for we are not raising taxation, but are reducing it.

Mr. SWANSON. Mr. Chairman, I move to amend by striking out the last word. The amendment which I intended to offer when I rose a few minutes ago is covered by the amendment just offered by the gentleman from Michigan [Mr. HENRY C. SMITH].

The chairman of the Ways and Means Committee [Mr. PAYNE] says that these taxes are paid by the consumer. I concur with him. If that is true, I can see no justification for retaining the tax on bills of lading for freight and eliminating it upon bills of

lading for express packages. The masses of the people—poor people, business people, the great majority of the people—do their shipping by freight. On the other hand, valuable packages, which are shipped mostly by the rich—packages containing jewelry, diamonds, statuary, and other articles of luxury, or packages containing considerable sums of money—go by express. Yet we have here a proposition, supported by the chairman of the Committee on Ways and Means, that the tax imposed upon railroad companies doing a freight business shall be retained, while the tax on the express companies shall be remitted.

When this question was up before, it was urged that the reason for relieving the express companies was because they refused to pay the tax like the railroad companies, the steamboat companies, and other common carriers. The express companies made the people pay the tax, the others paid it themselves. Mr. Chairman, the law imposing this taxation on steamboats and railroads and other common carriers is identical in language with the law imposing taxation upon the express companies. All of these except express companies have recognized the law and put the obligation upon themselves and paid this tax. They did not try to collect it from the people.

Mr. WILLIAMS of Mississippi. The telegraph companies did.

Mr. SWANSON. Yes; but they are in a different section of this bill. The express companies fought this matter in the courts, and I believe the courts determined the companies could collect the tax out of the people, the language of the law not specifying whether the tax should be paid by the company or by the shipper.

I concur with the view of the gentleman who has offered this amendment, that as everybody else has paid this tax except several express companies, those companies ought also to be made to pay it. Either you ought to abolish the law and not leave it in operation upon freight transportation, or you ought to leave it in operation upon both the freight and the express business. I say that these two branches of business ought to stand together, with the same chances before the law, and bearing the same taxation. There is no reason why a single method of transportation should be separated or isolated from all others and relieved from taxation.

Mr. Chairman, I submit that the class of goods going by express are not as much entitled to relief as the class of goods going by freight, whether going by steamboat, railroad, or by any other class of common carrier. I submit to this House that when taxation is relieved, it ought to be relieved justly; and when retained, it ought to be retained justly. I can see no excuse for remitting the tax upon one method of transportation, and continuing it upon all other methods.

[Here the hammer fell.]

Mr. MOODY of Massachusetts. Mr. Chairman, the gentleman from Virginia [Mr. SWANSON] has said that the express companies have not paid this tax.

Mr. SWANSON. One express company, I understand, did not. The United States Express Company, I believe, has had a suit in court on this question.

Mr. MOODY of Massachusetts. I am aware of the fact that six of the great express companies of the country have not paid the tax imposed by the war-revenue act. But in the eastern part of the country—I speak more particularly of the eastern parts of Massachusetts—there are 470 small express companies, every one of which has been compelled to pay this tax because they could not in practice impose it upon the people who dealt with them. The payment of this tax has been a great burden upon those companies. Its continuance would absolutely ruin them; it would drive them out of existence.

This would mean to the communities interested the loss of the competition which we now have between those smaller companies and the American Express, the Adams Express, and all the great express companies, because, as the gentleman can very well see, the tax of 1 cent upon transportation which pays the express company only 15 to 25 cents on a package is a very much greater burden than the same tax on transportation which may perhaps extend across the continent and pay to the express company a large sum. Therefore this tax has been upon those small companies oppressive to an extent which has proved absolutely ruinous. The companies have only continued in existence because they have expected relief. I sought to obtain such relief for them in the last session of Congress by the introduction of a bill which proposed to exempt from the operation of this tax the smaller express companies—the individual carriers—such express companies as those operating between Boston and Worcester and Lynn and Haverhill and Providence. If you adopt this amendment, you absolutely destroy 470 small companies, and you leave our communities to the unrestrained domination of the great express companies of the country.

Mr. BURKE of Texas. How many of those small companies have gone out of business by reason of this taxation?

Mr. MOODY of Massachusetts. Not one, so far as I know.

Mr. BURKE of Texas. Then they are still engaged in this business?

Mr. MOODY of Massachusetts. Because they have been expecting relief from this taxation. A burden which can be borne for a time becomes intolerable if it is permanent. I can assure the gentleman from Texas that they can not continue business under the schedule now proposed.

Mr. SWANSON. Can not the gentleman obtain what he desires—the saving of the small companies, which are being ruined in consequence of this tax—by an amendment exempting from the tax express companies not engaged in interstate commerce? Such a proposition would take care of your home companies.

Mr. MOODY of Massachusetts. That would undoubtedly relieve the trouble in my part of the country. But I say in all fairness to the gentleman from Virginia that while I would be glad to offer such an amendment, I do not know enough about the operation of the tax upon the great express companies to vote for this provision, even if it were so amended.

Mr. PAYNE. Will the gentleman allow an interruption for a question?

Mr. MOODY of Massachusetts. Certainly.

Mr. PAYNE. I understand you to say that as to the smaller express companies they are the only competitors with the larger companies?

Mr. MOODY of Massachusetts. Yes.

Mr. PAYNE. Do you think it fair that the different companies coming in competition with each other should have different privileges, one being taxed and the other untaxed?

Mr. MOODY of Massachusetts. Certainly not.

But, Mr. Chairman, I was going on to say that if the tax is to be imposed at all (and I am not in favor of it on the showing that I have seen, and as I understand the question) on the express companies it should be imposed upon the receipts and not upon the individual transactions of transportation, because the smaller companies in most cases get not over 25 cents for each package that they carry—

Mr. MCALL. And sometimes even as low as 6 cents.

Mr. MOODY of Massachusetts. Yes; as my colleague suggests, even as low as 6 cents. I am very glad he made the suggestion, because he understands this matter thoroughly, and I hope that he will take the floor in the discussion of the amendment.

The ad valorem weight, Mr. Chairman, of such a tax as is proposed here would be absolutely crushing to these small companies. Every one of the men engaged in this business with whom I have conversed has shown me that they could not continue their business. They could not endure a tax such as that proposed here and hope to operate the business which they have already built up. The whole tax has been annoying, vexatious, and burdensome to the people when they have dealt with large companies, because the tax has been shifted upon them by the action of the companies, sustained by the opinion of the Supreme Court. In whatever form you levy it the companies will still shift the burden to the people. To the small companies, who have carried the burden themselves, it has been a calamity which, if continued, means destruction.

Mr. NEWLANDS. Mr. Chairman, I move to strike out the last word.

I entirely agree with the gentleman from Michigan in the amendment which he has proposed. I think it absolutely unfair to entirely exempt the express companies from all taxation while retaining the tax on the operations of the railroad companies.

I realize the fact, of course, that the rate of taxation is the same in both instances, but it operates against the express companies unfairly, as it imposes the same tax of 1 cent on the bill of lading of a package carried by an express company as is imposed on the bill of lading of goods carried in bulk by a railroad company; the price received by the express company for carriage being, for instance, 10 cents, whilst the price received by the railroad company for freight in bulk may be hundreds of dollars. The packages carried by the express companies are generally small; and so the tax bears more heavily and harshly on the gross receipts of the express companies than upon those of the railroad companies.

Now, Mr. Chairman, I understand it is a fact that the railroad companies have never contested the tax or sought to shift it to the shippers, whilst the express companies have.

Mr. HENRY C. SMITH. May I ask the gentleman a question?

Mr. NEWLANDS. Certainly.

Mr. HENRY C. SMITH. Is it not a fact that the express companies get better rates than the railroad companies?

Mr. NEWLANDS. That may be.

Mr. HENRY C. SMITH. They get 25 cents for carrying a package for which the railroad companies get only 1 cent.

Mr. TAWNEY. But the gentleman should remember that the express companies pay the railroad companies for carrying their packages.

Mr. HENRY C. SMITH. That is true, but the amount is very small in comparison to the difference I have shown.

Mr. NEWLANDS. I was saying, Mr. Chairman, that this tax bears more heavily on the express company than the railroad

company, and this arises from the fact that in the case of the railroad company the bill of lading generally covers great bulk.

It seems to me that the suggestion made by the gentleman from Massachusetts [Mr. MOODY] that the tax should be proportioned to the receipts instead of to the number of packages, or the suggestion made by the gentleman from Virginia [Mr. SWANSON] that the tax should only apply to express companies engaged in interstate trade, would do away with this great hardship.

The difficulty is that in a great many of these amendments vexatious methods in the mode of taxation have been seized upon by the majority as a reason for eliminating the tax entirely upon certain forms of wealth. What I contend for is that they should have exercised their ingenuity in suggesting some other form of taxation of those forms of wealth which would not be so vexatious and oppressive as the methods complained of, and I think a tax on express freight can be devised which will not be burdensome and which can not be easily shifted to the shippers.

[Here the hammer fell.]

Mr. McCALL. Mr. Chairman, the proposition of the gentleman from Michigan [Mr. HENRY C. SMITH], as I understand it, would not relieve the patrons of the express companies from the payment of the tax. It does not propose to restrict the express companies in the charges which they may make for the service which they perform, and it would be entirely feasible for them to make such an increased charge as would compensate them for the tax which they pay.

Mr. HENRY C. SMITH. If the gentleman will permit me, I inadvertently omitted a part of my amendment, which I desire to have added after the proviso. It is—

Provided further, That such statements shall show that such companies have not collected such tax from the shipper.

That meets the gentleman's point.

Mr. McCALL. The gentleman would hardly undertake to have Congress pass a law fixing the rate which express companies should charge for rendering the service, and that is what the gentleman would practically require us to do if we made this legislation effective. But I desire especially to speak a word concerning the small local express companies that do business in the vicinity of large cities. I live in a town about 8 miles out of Boston. A large part of the things consumed in that town are brought there by local expressmen, many of whom run livery stables, and they bring the goods often in wagons and deliver them at the rate sometimes of 6 or 7 cents per package by the hundred packages. These expressmen pay the tax themselves. A tax of 1 cent upon each one of those packages amounts to from 10 to 15 per cent of the gross receipts, and in some cases as high as 40 per cent of the net receipts. That is, the Government forces itself into partnership with the expressman, requires him to do all the heavy lifting and the work, and then takes practically one-half of his profits. Now that, to my certain knowledge, is a most oppressive tax, and it seems to me that we should not exact it. I think, generally, that the express tax, where the people are required to pay a cent upon each package, is a very vexatious tax, very much like the tax upon telegrams.

[Here the hammer fell.]

Mr. NEWLANDS. Mr. Chairman, let the amendment be again read.

The CHAIRMAN. Without objection, the amendment will be again read.

The Clerk read the amendment.

Mr. HENRY C. SMITH. Mr. Chairman, I will withdraw the proviso which I referred to a moment ago, and which has not been read from the desk.

Mr. FITZGERALD of Massachusetts. Mr. Chairman, I wish to emphasize the statement made by my colleagues from Massachusetts regarding the hardships that have resulted to the express companies in and around Boston from the imposition of the tax on express packages in the war-revenue measure, and I wish to state to my colleagues on this side of the House that the small express companies doing business in and around Boston are of great benefit to the ordinary laboring man. They carry express packages for 5, 10, and 15 cents, and if this tax should be carried in this bill in the manner proposed by the gentleman from Michigan [Mr. HENRY C. SMITH] it would drive those small express companies out of business.

We are reducing the revenue, not increasing it. There is no reason why this tax upon express packages, which, when carried by the large express companies, is paid by the shipper, and when carried by the smaller companies is paid by the company itself, should be continued. It is farcical to witness the manner in which this tax upon express packages is carried out. We do not need this money in the Treasury, and I hope this unjust and unnecessary burden upon the people will be voted down by the House.

Mr. NEWLANDS. Mr. Chairman, is it in order to move an amendment?

Mr. SWANSON. I understand the gentleman from Michigan has withdrawn his amendment, and I desire to offer an amendment.

Mr. HENRY C. SMITH. I did not withdraw the amendment. I simply said I would not offer the last proviso, which I stated I would offer.

The CHAIRMAN. The question is on agreeing to the amendment.

Mr. NEWLANDS. I move to amend the amendment by inserting this proviso:

Provided, That this section shall not apply to express companies whose annual receipts do not exceed \$100,000.

The Clerk read as follows:

Provided, That this section shall not apply to express companies whose annual receipts do not exceed \$100,000.

The CHAIRMAN. The question is upon agreeing to the amendment to the amendment.

Mr. HENRY C. SMITH. I will accept that amendment.

The question was taken; and the Chairman announced that the yeas seemed to have it.

Mr. HENRY C. SMITH. Division.

The committee divided; and there were—ayes 82, yeas 106.

So the amendment to the amendment was rejected.

The CHAIRMAN. The question is upon the amendment offered by the gentleman from Michigan.

The question was taken; and the Chairman announced that the yeas seemed to have it.

Mr. HENRY C. SMITH. Division.

The committee divided; and there were—ayes 94; yeas 104.

Mr. HENRY C. SMITH and Mr. SWANSON. Tellers!

Tellers were ordered.

The CHAIRMAN. The gentleman from New York [Mr. PAYNE] and the gentleman from Michigan [Mr. HENRY C. SMITH] will take their places as tellers.

The committee again divided; and tellers reported—ayes 133; yeas 106.

So the amendment was agreed to. [Applause.]

The Clerk proceeded to read section 8.

Mr. PAYNE. I move that the committee do now rise.

The motion was agreed to.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. HEPBURN, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill H. R. 12394, and had come to no resolution thereon.

SENATE BILLS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and resolutions of the following titles were taken from the Speaker's table and referred to their appropriate committees as indicated below:

S. 4165. An act granting a pension to Dora Renfro—to the Committee on Invalid Pensions.

S. 4073. An act granting an increase of pension to Robert A. Edwards—to the Committee on Invalid Pensions.

S. 4556. An act granting an increase of pension to William Fox—to the Committee on Invalid Pensions.

S. 4022. An act granting a pension to William B. Caldwell—to the Committee on Invalid Pensions.

S. 4788. An act granting an increase of pension to George P. Beach—to the Committee on Invalid Pensions.

S. 2107. An act granting a pension to James Brown—to the Committee on Invalid Pensions.

S. 2109. An act granting an increase of pension to Carroll W. Fuller—to the Committee on Invalid Pensions.

S. 3338. An act granting a pension to Mary A. Morton—to the Committee on Invalid Pensions.

S. 2228. An act granting an increase of pension to Oliver W. Miller—to the Committee on Invalid Pensions.

S. 2102. An act granting an increase of pension to Andrew Reed—to the Committee on Invalid Pensions.

S. 2905. An act granting a pension to George M. Wilson—to the Committee on Invalid Pensions.

S. 1792. An act granting a pension to Martha C. M. Fisher—to the Committee on Pensions.

S. 2901. An act granting a pension to A. C. Ricketts—to the Committee on Invalid Pensions.

S. 2703. An act granting a pension to Mary M. F. Flagler—to the Committee on Invalid Pensions.

S. 1628. An act granting a pension to Adolph Schrei—to the Committee on Invalid Pensions.

S. 3376. An act granting an increase of pension to James McFry—to the Committee on Invalid Pensions.

S. 1722. An act granting a pension to Bertha Leavey—to the Committee on Invalid Pensions.

S. 1211. An act granting a pension to Ross Wheatley—to the Committee on Invalid Pensions.

S. 812. An act for the relief of Daniel W. Light—to the Committee on Invalid Pensions.

S. 2226. An act granting an increase of pension to Henry Muhs—to the Committee on Invalid Pensions.

S. 1204. An act granting a pension to William Gaddis—to the Committee on Invalid Pensions.

S. 4155. An act granting a pension to Julia S. Goodfellow—to the Committee on Invalid Pensions.

S. 1203. An act granting a pension to Lewis S. Horsey—to the Committee on Invalid Pensions.

S. 3881. An act granting an increase of pension to Henry D. Johnson—to the Committee on Invalid Pensions.

S. 1212. An act granting a pension to John W. Cannaday—to the Committee on Invalid Pensions.

S. 2914. An act granting a pension to Wilson E. Carter—to the Committee on Invalid Pensions.

S. 3375. An act granting relief to Susan Bedell—to the Committee on Invalid Pensions.

S. 57. An act granting a pension to Joshua B. Harris—to the Committee on Invalid Pensions.

S. 5042. An act to authorize Ethelbert Watts, consul of the United States at Kingston, Jamaica, to accept a decoration tendered to him by the Khedive of Egypt—to the Committee on Foreign Affairs.

S. 3750. An act granting a pension to Paulina Smith—to the Committee on Invalid Pensions.

S. 4789. An act granting an increase of pension to Bernard Wagner—to the Committee on Invalid Pensions.

S. 1604. An act granting an increase of pension to Harvey Graham—to the Committee on Invalid Pensions.

S. 2810. An act granting a pension to Esther Dyer Hammond—to the Committee on Invalid Pensions.

S. 2379. An act granting a pension to Mary E. Griffiths—to the Committee on Invalid Pensions.

S. 4728. An act granting an increase of pension to Marvin V. Tufford—to the Committee on Invalid Pensions.

S. 5043. An act to authorize George W. Hill, chief of the Division of Publications of the Department of Agriculture, to accept a decoration tendered to him by the Government of the French Republic—to the Committee on Foreign Affairs.

S. 5076. An act to provide for the appointment of an additional district judge in and for the northern judicial district of the State of Ohio—to the Committee on the Judiciary.

Senate concurrent resolution 84:

Resolved by the Senate (the House of Representatives concurring), That a joint committee consisting of three members of the Senate Committee on Public Buildings and Grounds, to be appointed by the President of the Senate, and five members of the Committee on Public Buildings and Grounds of the House of Representatives, to be appointed by the Speaker, is hereby created to investigate and consider the question of a site for a hall of records, to be erected in the District of Columbia, and report to Congress on or before January 10, 1901, or as soon thereafter as may be possible, their conclusions as to the most feasible location for such a building and the approximate cost thereof—

to the Committee on Public Buildings and Grounds.

Senate concurrent resolution 85:

Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he hereby is, directed to transmit to the present Congress a plan and estimate for the improvement of Burlington Bay, Two Harbors, in the State of Minnesota, based upon the examination and survey heretofore made of said bay—

to the Committee on Rivers and Harbors.

RESIGNATION OF COMMITTEE ASSIGNMENTS.

The SPEAKER. The Chair lays before the House the following communication:

HOUSE OF REPRESENTATIVES,
Washington, December 3, 1900.

HON. D. B. HENDERSON,
Speaker House of Representatives.

SIR: I hereby tender my resignation as member of following committees: Elections No. 1, Enrolled Bills, and Ventilation and Acoustics.

Yours, very respectfully,

E. L. HAMILTON.

The SPEAKER. Without objection, these resignations will be accepted. [After a pause.] The Chair hears none.

COMMITTEE ASSIGNMENTS.

The SPEAKER. The Chair announces the following committee assignments:

To the Committee on Enrolled Bills, Mr. HOFFECKER, of Delaware;

To the Committee on Elections No. 1, Mr. PEARSON, of North Carolina;

To Ventilation and Acoustics, Mr. WOODS, of California.

WITHDRAWAL OF PAPERS FROM THE FILES.

By unanimous consent, Mr. MOON obtained leave to withdraw from the files of the House, without leaving copies, the papers in the case of P. R. Albert and I. Noa, Fifty-sixth Congress, no adverse report having been made thereon.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. THOMAS of Iowa, indefinitely, on account of sickness.

CHANGE OF REFERENCE.

The SPEAKER. The Chair also lays before the House a change of reference of Document No. 174, a letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of State, submitting an estimate of appropriation for increase for salaries of United States consul at Port Stanley, Falkland Islands, from the Committee on Appropriations to the Committee on Foreign Affairs. Without objection, this change will be made. [After a pause.] The Chair hears none.

Mr. PAYNE. Mr. Speaker, I would like to give notice that it is the intention to go on with this bill the first thing in the morning (as several gentlemen have asked me that question), the other order being subject to that. I move that the House do now adjourn.

The motion was agreed to; and accordingly (at 5 o'clock and 24 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of War, transmitting, with draft of a bill, documents relating to cession of lands to Wyoming State in return for cession of lands for enlargement of Fort Mackenzie Military Reservation—to the Committee on Public Lands, and ordered to be printed.

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of the Interior submitting an estimate of appropriation for deficiencies in the appropriations for that Department—to the Committee on Appropriations, and ordered to be printed.

A letter from the Secretary of War, transmitting, with communications relative to tests of the Gathmann gun, an estimate of appropriation to complete tests—to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the several Calendars therein named, as follows:

Mr. BARNEY, from the Committee on Appropriations, to which was referred the bill of the House (H. R. 12737) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1902, and for other purposes, reported the same, accompanied by a report (No. 2024); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. RAY of New York, from the Committee on the Judiciary, to which was referred the bill of the Senate (S. 5076) to provide for the appointment of an additional district judge in and for the northern judicial district of the State of Ohio, reported the same without amendment, accompanied by a report (No. 2025); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. MUDD, from the Committee on the District of Columbia, to which was referred the bill of the Senate (S. 1929) to provide for eliminating certain grade crossings on the line of the Baltimore and Potomac Railroad Company, in the city of Washington, D. C., and requiring said company to depress and elevate its tracks, and to enable it to relocate parts of its railroad therein, and for other purposes, reported the same with amendments, accompanied by a report (No. 2026); which said bill and report were referred to the House Calendar.

ADVERSE REPORTS.

Under clause 2 of Rule XIII, adverse reports were delivered to the Clerk, and laid on the table, as follows:

Mr. MINOR, from the Committee on the Merchant Marine and Fisheries, to which was referred the bill of the House (H. R. 5462) regulating pilots, reported the same adversely, accompanied by a report (No. 2027); which said bill and report were laid on the table.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS INTRODUCED.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. BARNEY, from the Committee on Appropriations: A bill (H. R. 12737) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1902, and for other purposes, accompanied by a report (No. 2024)—to the Union Calendar.

By Mr. WATERS: A bill (H. R. 12738) authorizing the Navajo and Moqui Indians to lease mineral lands within their reservations on a royalty basis—to the Committee on Indian Affairs.

By Mr. GARDNER of Michigan: A bill (H. R. 12739) for the erection of a post-office building at Battle Creek, Mich.—to the Committee on Public Buildings and Grounds.

By Mr. HOPKINS: A bill (H. R. 12740) making an apportionment of Representatives in Congress among the several States under the Twelfth Census—to the Select Committee on the Census.

By Mr. FLEMING: A bill (H. R. 12741) to amend the Revised Statutes so as to change and fix the time when the certificate of the votes for President and Vice-President by the electoral college of each State shall be delivered by the official messenger to the President of the Senate—to the Committee on Election of President, Vice-President, and Representatives in Congress.

By Mr. BRENNER: A bill (H. R. 12742) to establish Dayton, in the State of Ohio, as a subport of entry, and to extend the privileges of the act approved June 10, 1880, to the port of Dayton, in the State of Ohio—to the Committee on Ways and Means.

By Mr. GROSVENOR: A bill (H. R. 12743) to amend an act entitled "An act providing for certain requirements for vessels propelled by gas, fluid, naphtha, or electric motors," approved January 18, 1897—to the Committee on the Merchant Marine and Fisheries.

By Mr. HAMILTON: A bill (H. R. 12788) permitting the building of a dam across the St. Joseph River, near the line between the States of Michigan and Indiana—to the Committee on Interstate and Foreign Commerce.

By Mr. HENRY of Connecticut: A bill (H. R. 12789) to provide for erecting for the Department of Agriculture a laboratory building on reservation No. 2, in the city of Washington, D. C.—to the Committee on Public Buildings and Grounds.

By Mr. McDERMOTT: A joint resolution (H. J. Res. 282) proposing an amendment to the Constitution of the United States—to the Committee on the Judiciary.

By Mr. BROSIUS: A joint resolution (H. J. Res. 283) proposing an amendment to the Constitution of the United States fixing the number of members of the House of Representatives—to the Committee on Election of President, Vice-President, and Representatives in Congress.

PRIVATE BILLS AND RESOLUTIONS INTRODUCED.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAMSON: A bill (H. R. 12744) for the relief of legal representatives of Anderson Abercrombie—to the Committee on War Claims.

By Mr. BUTLER: A bill (H. R. 12745) granting an increase of pension to N. L. Yarnall—to the Committee on Invalid Pensions.

By Mr. CATCHINGS: A bill (H. R. 12746) for the relief of J. C. Williams, administrator of Haller Nutt, deceased—to the Committee on War Claims.

By Mr. COONEY: A bill (H. R. 12747) granting a pension to Arline E. McNutt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12748) granting a pension to D. E. W. Turner—to the Committee on Invalid Pensions.

By Mr. DOUGHERTY: A bill (H. R. 12749) granting a pension to Hudson M. Rice—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12750) granting a pension to George W. Drake—to the Committee on Invalid Pensions.

By Mr. GARDNER of Michigan: A bill (H. R. 12751) granting a pension to Kezia Washburn—to the Committee on Invalid Pensions.

By Mr. GILL: A bill (H. R. 12752) granting an increase of pension to Andrew J. Cline—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12753) granting an increase of pension to Van M. Gween—to the Committee on Invalid Pensions.

By Mr. HOFFECKER: A bill (H. R. 12754) granting a pension to Thomas Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12755) to restore Ignatius T. Cooper to the active list of the Navy—to the Committee on Naval Affairs.

By Mr. LAWRENCE: A bill (H. R. 12756) granting a pension to H. A. Hale—to the Committee on Invalid Pensions.

By Mr. LIVINGSTON: A bill (H. R. 12757) for relief of George W. Symmes—to the Committee on Military Affairs.

By Mr. McDOWELL: A bill (H. R. 12758) to remove the charge of desertion against Samuel Jobes—to the Committee on Military Affairs.

Also, a bill (H. R. 12759) granting a pension to Elizabeth I. Ogden—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12760) granting an increase of pension to George W. Mathews—to the Committee on Invalid Pensions.

By Mr. PEARRE: A bill (H. R. 12761) for the relief of Annie C. Osborne, sole heir of William B. Beall, deceased—to the Committee on War Claims.

By Mr. RICHARDSON of Alabama: A bill (H. R. 12762) for the relief of the estate of Henry Ingram, deceased—to the Committee on War Claims.

Also, a bill (H. R. 12763) for the relief of the estate of John Wesson, deceased—to the Committee on War Claims.

Also, a bill (H. R. 12764) for the relief of John T. Lehman—to the Committee on War Claims.

Also, a bill (H. R. 12765) for the relief of Burwell J. Curry—to the Committee on War Claims.

Also, a bill (H. R. 12766) for the relief of John McMurtry—to the Committee on War Claims.

By Mr. RUPPERT: A bill (H. R. 12767) granting a pension to William Ward—to the Committee on Invalid Pensions.

By Mr. STEPHENS of Texas: A bill (H. R. 12768) granting a pension to William Dixon—to the Committee on Pensions.

By Mr. SULLOWAY: A bill (H. R. 12769) granting an increase of pension to Emeline Drew—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12770) granting an increase of pension to Freeman O. Hodge—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12771) granting an increase of pension to Lewis Abbott—to the Committee on Invalid Pensions.

By Mr. SUTHERLAND: A bill (H. R. 12772) granting an increase of pension to Austin G. Jacobs—to the Committee on Invalid Pensions.

By Mr. SMITH of Kentucky: A bill (H. R. 12773) for the relief of the estate of William Harlow, deceased—to the Committee on War Claims.

By Mr. VREELAND: A bill (H. R. 12774) to correct the military record of De Witt C. Robbins—to the Committee on Military Affairs.

By Mr. WANGER: A bill (H. R. 12775) granting a pension to Sarah Miller—to the Committee on Invalid Pensions.

By Mr. YOUNG: A bill (H. R. 12776) for the relief of Abraham C. Noot—to the Committee on Military Affairs.

By Mr. BULL: A bill (H. R. 12777) granting an increase of pension to Bridget Hines—to the Committee on Invalid Pensions.

By Mr. CONNER: A bill (H. R. 12778) granting a pension to Adoniram J. Holmes—to the Committee on Invalid Pensions.

By Mr. CURTIS: A bill (H. R. 12779) granting a pension to Caroline L. Rouse—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12780) granting a pension to Elizabeth Crockett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12781) granting an increase of pension to Ezekiel Grewell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12782) granting an increase of pension to Richard Kohl—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12783) granting an increase of pension to Luke W. Nichols—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12784) granting a pension to Elizabeth P. Searcy—to the Committee on Pensions.

Also, a bill (H. R. 12785) for the relief of Ambus Stammers—to the Committee on Military Affairs.

By Mr. LACEY: A bill (H. R. 12786) granting a pension to James A. Banghart—to the Committee on Invalid Pensions.

By Mr. MONDELL: A bill (H. R. 12787) to grant an honorable discharge and to remove the charge of desertion against the name of Edward P. Kain—to the Committee on Military Affairs.

By Mr. ALEXANDER: A bill (H. R. 12790) granting a pension to Emma E. Buell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 12791) for the relief of Katherine R. Ogden—to the Committee on Pensions.

By Mr. BULL: A bill (H. R. 12792) granting an increase of pension to Jeremiah Law—to the Committee on Invalid Pensions.

By Mr. DAVIS: A bill (H. R. 12793) for the relief of the estate of Henry Von Balsan, deceased—to the Committee on War Claims.

By Mr. ALDRICH: A resolution (H. Res. 318) referring the claim of John W. Ledbetter to the Court of Claims—to the Committee on War Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. ACHESON: Resolutions of the Presbyterian Sabbath School of Clinton, Allegheny County, Pa., against saloons in our island possessions and for the abolition of the Army canteen—to the Committee on Insular Affairs.

By Mr. ADAMSON: Petition of J. L. Willis and other members of the bar of Columbus, Ga., for an increase of salaries for United States judges—to the Committee on the Judiciary.

By Mr. BARNEY: Petition of Wisconsin Conference of the Methodist Episcopal Church, favoring the passage of House bill No. 5278, prohibiting the sale of intoxicants in territories under the control of the Federal Government—to the Committee on Alcoholic Liquor Traffic.

By Mr. BINGHAM: Petition of the Philadelphia Drug Exchange,

for the repeal of the special tax on proprietary medicines—to the Committee on Ways and Means.

Also, resolutions of the thirty-fourth annual encampment of the Department of Pennsylvania, Grand Army of the Republic, in relation to the National Memorial Park at Gettysburg, Pa.—to the Committee on Appropriations.

By Mr. BULL: Petition of the New England Drug Exchange, for the repeal of the special tax on proprietary medicines—to the Committee on Ways and Means.

Also, papers to accompany House bill for the relief of Jeremiah Law—to the Committee on Invalid Pensions.

By Mr. BURLEIGH: Petition of A. A. Howes & Co., of Belfast, Me., for the repeal of the war-revenue tax on tea—to the Committee on Ways and Means.

By Mr. CAPRON: Petition of John Metzger, of Providence, R. I., for the repeal of the special tax on proprietary medicines—to the Committee on Ways and Means.

By Mr. CONNELL: Petition of Southern Nurserymen's Association, of Winchester, Tenn., favoring uniform regulations governing the transportation of nursery stock, etc.—to the Committee on Interstate and Foreign Commerce.

By Mr. COUSINS: Petition of F. M. Miliken, of Marshalltown, Iowa, and other citizens of Iowa, favoring a graded service-pension bill—to the Committee on Invalid Pensions.

By Mr. CROMER: Petition of F. L. Shinkle and others, of Muncie, Ind., for the repeal of the special tax on proprietary medicines—to the Committee on Ways and Means.

By Mr. DOUGHERTY: Petition of David Craner and other citizens of Albany, Mo., for the relief of Hudson M. Rice—to the Committee on Invalid Pensions.

Also, petition of George W. Drake, to accompany House bill granting him a pension—to the Committee on Invalid Pensions.

By Mr. GAMBLE: Resolutions of board of county commissioners of Codington County, S. Dak., favoring an appropriation for the storage of the flood waters of the Big Sioux River in Lake Kampaska and other lakes at the head waters of said river—to the Committee on Rivers and Harbors.

By Mr. GROUT: Testimony to accompany House bill granting a pension to John W. Newton—to the Committee on Invalid Pensions.

Also, testimony to accompany House bill granting a pension to Lieut. Col. Harry N. Worthen—to the Committee on Invalid Pensions.

Also, petition of the Southern Nurserymen's Association, relating to the transportation of nursery stock—to the Committee on Interstate and Foreign Commerce.

By Mr. GROSVENOR: Resolutions of the Woman's Christian Temperance Union of Vigo, Ohio, against the sale of intoxicating liquors in our new possessions—to the Committee on Insular Affairs.

Also, petition of Winfield Scott Garrison and George Washington Garrison, Army and Navy Union, for the enactment of laws for ex-soldiers of the Army and Navy, regulating admission of same to hospitals—to the Committee on Military Affairs.

By Mr. HOFFECKER: Papers to accompany House bill granting a pension to Thomas Clark—to the Committee on Invalid Pensions.

By Mr. JACK: Petition of the Young People's Society of Christian Endeavor of the Church of God, Alverton, Pa., and R. S. Wallace and others, of New Alexandria, Pa., favoring uniform marriage and divorce laws and certain other measures—to the Committee on the Judiciary.

By Mr. LEVY: Resolutions of the Chamber of Commerce of New York, urging the passage of a bill authorizing the Secretary of the Treasury to exchange gold coin for any other money coined by the United States whenever it may be necessary to do so—to the Committee on Banking and Currency.

By Mr. LITTLEFIELD: Petition of James J. Mayer and 450 other citizens of the State of Maine, for the repeal of stamp taxes on insurance policies—to the Committee on Ways and Means.

By Mr. LIVINGSTON: Papers to accompany House bill for the relief of George W. Symmes—to the Committee on Military Affairs.

By Mr. McALEER: Petition of the Philadelphia Board of Trade, urging a reduction of the war-revenue tax of June 13, 1898—to the Committee on Ways and Means.

Also, petition of the Southern Nurserymen's Association, of Winchester, Tenn., favoring uniform regulations governing the transportation of nursery stock, etc.—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Philadelphia Commercial Exchange and petition of Barker & Co., Philadelphia, urging the repeal of the stamp act—to the Committee on Ways and Means.

Also, petition of Cover, Drayton & Leonard, of Philadelphia, Pa., protesting against the duty on hides—to the Committee on Ways and Means.

By Mr. McDOWELL: Petitions of O. A. Hills and other citizens of Wooster, Ohio, and vicinity, in favor of the anti-polygamy amendment to the Constitution—to the Committee on the Judiciary.

Also, petition of Elizabeth J. Ogden, of Canal Dover, Ohio, to accompany House bill granting her a pension—to the Committee on Invalid Pensions.

By Mr. MOON: Papers to accompany House bill to investigate the pension of William Robinson—to the Committee on Invalid Pensions.

Also, petition of Mrs. Samuella D. (Burwell) Abernathy, for reference of war claim to the Court of Claims—to the Committee on War Claims.

By Mr. NEVILLE: Petition of P. L. Harper, of Wallace, Nebr., urging reduction of tax on banks—to the Committee on Ways and Means.

By Mr. OTEY: Petition of the Society of the Colonial Dames of America, in favor of the bill for the purchase of Temple Farm, at Yorktown, Va.—to the Committee on Military Affairs.

By Mr. OTJEN: Resolutions of the Interstate Commerce Law Convention, held at St. Louis, Mo., asking for the passage of Senate bill No. 1439, to amend the interstate-commerce law so as to provide for the enforcement of the provisions regulating transportation rates—to the Committee on Interstate and Foreign Commerce.

By Mr. PHILLIPS: Paper to accompany House bill granting a pension to Oscar Brewster—to the Committee on Invalid Pensions.

By Mr. RIXEY: Memorial of George C. Round, of Manassas, Va., praying that the National Government take steps to acquire possession of Bull Run battlefield—to the Committee on Military Affairs.

By Mr. ROBINSON of Indiana: Petition of F. H. Foust & Co., of Columbia City, Ind., praying for a reduction of the war-revenue tax—to the Committee on Ways and Means.

Also, petition of E. L. McLallen & Co., of Columbia City, Ind., to reduce the war tax on bank capital and surplus—to the Committee on Ways and Means.

Also, petition of John W. Sale, of Fort Wayne, Ind., on the subject of tax on toll line messages—to the Committee on Ways and Means.

By Mr. SAMUEL W. SMITH: Petition of Henry W. Smith and others, serving as jurors in the United States court at Detroit, to increase the pay of jurymen in the United States court from \$3 to \$3 per day—to the Committee on the Judiciary.

By Mr. STEWART of New Jersey: Petition of H. Rowland Vermilye and other citizens of Englewood, N. J., in favor of an amendment to the Constitution against polygamy—to the Committee on the Judiciary.

By Mr. SUTHERLAND: Resolutions of the Anti-Saloon League of Curtis, Nebr., and the Congregational Church of South Platte, Nebr., against island saloons and canteens—to the Committee on Military Affairs.

Also, petition of citizens of Bladen and Franklin, Nebr., to accompany House bill No. 6834, for the relief of Nathan W. Snee—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: Petition of Patrick H. Etheridge and others, keepers of various life-saving stations, to increase the pay of keepers to \$100 per month—to the Committee on Interstate and Foreign Commerce.

By Mr. VREELAND: Petition of Young People's Society of Christian Endeavor of Fillmore, N. Y., against the sale of intoxicating liquors in our new possessions—to the Committee on Insular Affairs.

SENATE.

SATURDAY, December 15, 1900.

Prayer by the Chaplain, Rev. W. H. MILBURN, D. D.

The Secretary proceeded to read the Journal of yesterday's proceedings, when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with.

The PRESIDENT pro tempore. The Journal, without objection, will stand approved.

LANDS IN THE DISTRICT OF COLUMBIA.

The PRESIDENT pro tempore laid before the Senate a communication from the Secretary of War, transmitting a letter from the Chief of Engineers, United States Army, together with a communication from Col. Theodore A. Bingham, the officer in charge of the office of public buildings and grounds in the city of Washington, calling attention to the fact that through inadvertence square 495 was omitted from the list heretofore transmitted to the Senate in response to its resolution of January 27, 1898, etc.; which, with the accompanying papers, was referred to the Committee on the District of Columbia, and ordered to be printed.